24th September, 1955
(Saturday)

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Saturday, 24th September, 1955

The Lok Sabha met at Two Minutes Past Eleven of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*No Questions: Part I not published*)

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL AND REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL

Mr. Speaker: There is no Question Hour today.

The House will now resume further discussion on the motions for reference of the Representation of the People (Amendment) Bill and the Representation of the People (Second Amendment) Bill to Select Committees and also the consideration of the amendments moved by Shri N. C. Chatterjee thereto.

Out of 16 hours allotted for the discussion, 14 hours and 43 minutes have been availed of till yesterday. This means the discussion will conclude today by about 12-15 P.M.

Thereafter, the House will take up the consideration of the Industrial Disputes (Banking Companies) Decision Bill for which 5 hours have been allotted.

Does the House sit till six today?

Some Hon. Members: Yes.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Only if there is quorum after five.

Shri C. D. Pande (Naini Tal Distt. *cum* Bareilly Distt.-North): May I suggest that we may sit only till 5-15 that is till the Industrial Disputes Bill is finished, and that the fresh business may be taken up on Monday?

Mr. Speaker: We will see what happens. At any rate Members will make the best effort to maintain a quorum.

So for the present we presume that we sit till six, and then we will adjust later on.

Shri B. K. Ray may now continue his speech.

I may state, looking to the time at our disposal, that after Shri Ray has finished I will call upon the Minister to reply.

But before Shri Ray begins I should like to understand from the hon. the Law Minister about certain amendments which he proposes to move.

The Minister of Legal Affairs (Shri Pataskar): With respect to the amendments proposed by Shri N. C. Chatterjee and Pandit Thakur Das Bhargava, I found them rather vague. So I asked them to clarify the matters that they would like to be opened in the Select Committee. I asked them to mention the topics and the sections. They have given me a list, and I shall have no objection to the matters therein being discussed in the Select Committee.

With respect to the other amendment, I had at one time intended to amalgamate the two Acts into one. Yesterday I thought over it and I

[Shri Pataskar]

found it would require probably more elaborate consideration, because many of the sections would automatically become overlapping. So for the present we shall leave the matter as it is.

Mr. Speaker: Has he got a draft of the specific sections which he proposes to include in the amendment of Mr. Chatterjee?

Shri Pataskar: I have been supplied a list by Shri N. C. Chatterjee and Pandit Thakur Das Bhargava.

Mr. Speaker: Mr. Chatterjee is not here.

Shri Pataskar: As a matter of fact, I find on a careful examination of these matters that many of them will be open for the Select Committee to go into; some of them may not be. But I am prepared to accept that all these matters mentioned may be opened in the Select Committee.

Shri Raghavachari (Penukonda): I take it that any one of us can move an amendment to the amendment.

Mr. Speaker: Anyone can move, and I will permit.

I just wanted it to be clarified in the beginning so that Mr. Ray also might have the advantage of knowing what the position is.

Shri B. K. Ray (Cuttack): From the Election Commissioner's report on the experiences of the last general election, it appears that he had promised that there should be a compact and consolidated Election Code before the next general election comes. He said, I think very rightly, that the election law so far enacted was enacted piecemeal and in different instalments; the entire picture could not be viewed at one and the same time and therefore there might be some flaws and defects.

Now, the present proposal before us is really very limited. I would therefore fall in line with those hon. friends of mine in this House who have said that the Select Committee should be authorised to go into the entire matter and make such amendments in the election law as it may think fit and proper.

So far as my remarks in this debate are concerned I am confining them within a very narrow limit. I will not traverse the grounds which have already been traversed, except one or ① two. My target will be the proposed amendment in relation to the election petitions and the election tribunal. Before I submit my contentions before you I will preface my speech with some introductory remarks. They are of a general character but they will form the background and will prove the importance of the suggestions that I shall make.

The *sine qua non* of a true democracy is fair and free election of people's representatives to the sovereign legislature. For the purpose of acquiring this, the framers of our Constitution have drawn largely from the experiences of other democratic countries in the matter of their elections and have thought it necessary to lay down proper safeguards to prevent those abuses and pitfalls which have been experienced in those countries in the early days. The first thing to start with was to establish an independent body, namely the Election Commission independent of the Government of the day for the purpose of superintendence and control of the conduct and preparation ② for the elections. Now, of course, it is not within the scope of my speech to discuss the merits of that institution. To me it appears—when I read the Constitution at the beginning and also now—that the Election Commission ought to have been composed of an independent body of men. I do not mean to throw any reflection upon that body as it is now framed. On the contrary I should say that we in this country have been very fortunate that the Election Commission with regard to its impartiality and independence has won the approbation as well as the confidence of the people. But, at the same time, from the proposed amendments it appears that, that Election Commission is going to be empowered with certain judicial powers over the tribunals that are to try the election petitions, namely, the power to transfer the cases. There are also already certain inherent powers vested in the Election Commission *i.e.* either to admit or reject an election petition and also to decide the question whether a petition has been filed in time or whether there are sufficient reasons due to which ③ the delay could not have been condoned. All these matters, I think, form the subject matter of the amendments.

Now, my point is that simply the establishment of an independent body in shape of the Election Commission having power of superintendence and control over the elections all over the country is not enough to secure election of a non-partisan character. In the case of a Government in which the party in power wants to come back to power again by the process of election it is necessary that not only there should be at the head an independent body but also there should be safeguards in the statute and rules by which the law of election is to be administered particularly to see that the election is made without corrupt influences, without corrupt practices and election offences. In case they are practised no election which is vitiated thereby should be allowed to stand.

Now, what are the amendments that are now being proposed? An election commences with the filing of ④ nomination papers. It is being proposed that nomination papers need not be seconded. What is the intention and object of those provisions of law which insist upon certain formalities to be complied with? It is only in order that there should be a valid nomination—to show the genuineness of the candidature, that the candidate is a qualified man, that the candidate himself desires to stand as a candidate and also that he is worthy of the confidence of his brethren in the constituency. Now, it is proposed to do away with the seconding of the nomination papers. I do not really understand the value of this amendment. It is fundamental that without a seconder no proposal is a valid proposal. No resolution is taken as proposed until it is seconded. So, this is a most essential thing that is needed. I do not know what is the difficulty experienced by a candidate. If he is a genuine, worthy candidate it is very easy for him to secure somebody to second him. I, therefore, ⑤ find absolutely no good reason behind it.

Secondly, one proposal which is of a most serious character is this. It is proposed that after the nomination when the Returning Officer will scrutinise, he will not scrutinise as to the correctness of the objection raised by a candidate, as to the disqualification of another candidate. It is proposed that he will simply see whether a candidate is qualified. He will not see at that stage whether he is disqualified. Now, this seems to be a distinction without difference. If you pronounce somebody to be qualified the negative that he is not disqualified follows. Unless you take into consideration the circumstances that may make him disqualified you do not really consider whether he is qualified. Now, you leave it to be agitated in the election petition. One result of it will be that after a long time is passed, i.e. after waste of time, waste of money,—unnecessary expenditure on the part of the Government as well as of the parties concerned,—⑥ it will at last come out that a man successful in the election is disqualified. It is only at the last moment that is when an election petition is filed, provided somebody has money and energy enough to pursue the matter that a candidate is proved disqualified; otherwise, a disqualified candidate will come and find a seat in the House. It is said that this will simplify matters but I think it is of doubtful simplicity. It will

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introduce complexity rather than simplicity.

With regard to the election petition there is a proposal to make an amendment that the present rule which requires that to every petition should be attached a list of the corrupt practices or election offences which it is alleged have vitiated the election, with specific particulars of instances, and which is made compulsory in the sense that if it is not attached to an election petition the petition should not be accepted, should be omitted. Now it is said that the petition will ⑦ be complete in itself. Of course, if it simply means that instead of being in a separate paper this list will form part of the petition then the change does not matter. At any rate this is also a distinction without difference. But if the rigour with which mention of the specific character of these allegations are insisted upon is considered very high and it is sought to be reduced, then also the amendment will not achieve our aim. It is now said that if you allege certain wrongs having been committed, certain corrupt practices having been indulged in by a person you should give the time, place, person and all other necessary particulars which will give full evidence of the allegations made against him. The result that is sought to be achieved by this amendment may not be achieved at all because it is a general principle of law, that in any proceeding, civil or criminal, if certain allegations are made against one of the parties charging him with ⑧ misconduct he is entitled to call upon the party so alleging to give all specific particulars of them. Instead of simplifying matters and saving time this amendment will, on the contrary, elongate the proceedings because the respondent appearing before the court will say: "So far as your petition is concerned you have not given specific particulars about the allegations. I want specific particulars." He may issue an interrogatory. The general provisions of law of procedure in this respect are applicable to the trial of an election petition. Therefore, I also doubt about the correctness of this proposal.

Lastly, it is sought to reduce the composition of the tribunal from a 'three men's tribunal' to 'two men's tribunal'. Under the present law, one of the Judges either retired or serving in the High Court may be the Chairman; the second member may be a District Judge either retired or serving and the third member may be an advocate. Now, the present proposal is to have only two serving District Judges. In the Statement of ⑨ Objects and Reasons it is stated that it is because of delay and expenses that are necessarily involved in a 'three men's tribunal' that this change is now sought to be made. If it is not a fact that in order to understand the questions of fact and questions of law presented to the tribunal, the time taken is arithmetically proportionate to the number of people constituting the Bench, there is absolutely no meaning behind the present proposal. Three judges sitting together will take the same time to understand and come to a judgment as two judges will take. On the contrary, instead of saving time and saving expenses, according to me the proposed system will involve more time and more expenses. It is in this way. In the three-man tribunal, you have always the majority rule. Whenever there is any difference on any question of fact, on any question of law, on any question of interpretation of law, the majority opinion will solve the problem. When two people are there, ⑩ it is not possible. It is said that when the two people differ with regard to any matter regarding the final order they will seek the assistance of the Election Commission who, in consultation with the Chief Justice, would appoint some high court judge to whom the difference will be referred and according to his decision the final order will be passed. Will it save time or will it involve more waste of time? Besides, this device is of a limited character. You say that the difference must be with regard to a matter concerning the final order, but there may be a difference with regard to the admissibility of a piece of Evidence; with regard to certain facts relating to a particular witness or with regard to the veracity of a particular witness. How are all these differences going to be solved? As I have already said, it is the duty of an independent body, namely, the Election Commission, to ensure free and fair elections, and there cannot be free and fair elections unless the corrupt practices, the election offences or any other disputes with regard to elections are tried by an independent tribunal. I do not for a moment doubt the independence of the serving district judges, but in the matter of justice, it is always fundamental to say that it is not only that justice should be done but it is also necessary that there should be a strong belief in the people who are tried, that justice is being done.

Now, hitherto, the rule was that a high court judge or a district judge qualified to be a high court judge should be the Chairman. The second member will be another district judge either in service or retired. The third member will be an advocate. Advocates, non-officials or retired men are generally persons in whom people have more confidence because the position is that the party in power which is carrying on the Government is also a party which is interested in entering into the election for coming into power. Under these circumstances, the people who are outside the party and who are fighting elections and have interest in the cases that are being tried by the tribunals must have faith in the tribunal itself. I do not at all see how, by the present proposal, things could improve. In every State, at least you can have five or six or eight advocates who can adorn the Bench even of the Supreme Court, not to speak of the High Courts. Why not make a selection from among them?

Shri Bogawat (Ahmednagar South): I hope the Minister of Legal Affairs will kindly note it.

Mr. Speaker: He is nothing all points and will reply to whatever he thinks fit. The hon. Member may proceed; he has very little time at his disposal now.

Shri B. K. Ray: On the contrary, the reason for this change is said to be that at the time when the Constitution was framed it was intended that the election tribunal's decision will be final. Now, however, it has been found by the decisions of the Supreme Court and the High Courts that the tribunal's decisions are being interfered with. That means it has not the finality which, it was originally thought it would possess. Therefore, it is said, the three-man tribunal is being reduced to a two-man tribunal. But how does it cure the disease? If, either rightly or wrongly, anybody has assumed the jurisdiction which the Constitution has not intended, it is the High Court and the Supreme Court. Has not the sovereign legislature power enough to make laws so as to prevent them from interfering with a jurisdiction which, according to the Constitution, should not be interfered with?

Pandit K. C. Sharma (Meerut Distt. South): There are provisions in the Constitution to that effect.

Shri B. K. Ray: If necessary, amend the Constitution. Supposing you have a provision in the Representation of the People Act that the election tribunal constituted by the Election Commission is neither, as a tribunal, nor, as an authority, inferior to any court in India, then, tomorrow, what will the Supreme Court do? I can give a constructive suggestion as a lawyer. Now, the Supreme Court exercises also a residuary power of administering justice over sub-ordinate authorities and inferior tribunals. Suppose the law that constitutes a tribunal says that this tribunal should be, neither as a tribunal nor as an authority, considered as subordinate

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to anyone, I think the tribunal's decision should be completely above any power of interference.

I shall mention for the information of the hon. Minister of Legal Affairs how the delay is occasioned. It is not an account of the advocate not finding time to go and answer to the summons of the chairman to join in the work of the tribunal; nothing of the kind. It is through the ingenuity of the lawyers—which is taken advantage of by the parties--in finding out points and fighting the case on preliminary points first. I have my personal experience about a particular case. When an election petition was filed, it was sent by registered post as well as a duplicate by ordinary post from Cuttack to Delhi, on the very last available day. The petition sent by ordinary post, reached Delhi in time. The rule is that it should be sent by registered post. There is always one day's delay in the delivery of registered post. So, the petition sent by registered post reached the next day. The Election Commission has got the power to consider the circumstances and to excuse the delay. He excused the one day's delay. The petition had reached the office, though not the one sent by registered post. The duplicate was however received. Under the circumstances, the Election Commission excused the delay. When the tribunal sat, the other party was a sitting Minister and he engaged a very big counsel from a different place and took up this point, namely, that the Election Commission had no power to excuse the delay, and that this delay was fatal to the election petition and that therefore it should be dismissed. It was argued like that and the point was, however, decided against the minister. The matter was then brought to the Supreme Court. The Supreme Court said 'you have not come through the lower court, that is, the High Court'. So, he went to the Cuttack High Court. The Cuttack High Court said they had no jurisdiction because the Election Commission was made a party in the case. Meanwhile the man got a stay order from the tribunal and filed an application before the Punjab High Court. It also negatived the contention. Then it went to the Supreme Court and in the Supreme Court it was finally negatived, and the Election Commission's decision was upheld as final. How will, in such cases, a two-man tribunal save the situation? Therefore, the boot is on the other leg. The remedy is somewhere else. Be it the Supreme Court or the High Court or any court, so far as interlocutory matters are concerned—matters which are preliminary to the investigation by the tribunal, matters which hold the progress of the election tribunal in abeyance—must be disposed of within the shortest time possible. Cannot the Supreme Court be made amenable to this rule? Cannot the High Courts be made amenable to this rule? In this matter whether the Election Commission had the power to excuse the time, it took only half an hour before the Supreme Court.

Shri Pataskar: Unless you amend article 226, there is no way.

Shri B. K. Ray: I do not think it is so much necessary. However, that is my own suggestion. You are the man to deliver the goods. I am not the man.

Shri Bogawat: You are a Member of this House.

Shri B. K. Ray: As a member, I am giving my suggestion. I think, so far as the High Court rules are concerned and the Supreme Court rules are concerned, they are made by the Judges. But, they are consented to in the State by the Governor and in the Centre by the President. In these rules, it may be stated that so far as election matters are concerned, particularly matters which are interlocutory, pending consideration and which hold the progress of the election tribunals in abeyance, should be disposed of as quickly as possible. It is not practically the time that is occupied in deciding the matter, not practically the time that is occupied in giving notice to the parties, but it is the pending in the file for months and months and years and years that delays. Therefore, the remedy is there. If you simply make it a two man tribunal of serving district judges, you cannot save time. My submission, therefore, is, so far as this proposed amendment is concerned, it is for the Select Committee to see to it carefully.

So far as expenses are concerned, they should not be grudged. In order to keep the standard of justice high, in order to have the faith of the people in our Government, in our machinery, in our tribunals, no expenses should be grudged. If you want to change it, give it to a Division Bench of the High Court, *ex officio* appointed as Election tribunal. Let them dispose of the case; make it final.

Before concluding, I would just make a reference to one of the profound observations of Woodrow Wilson for which he was noted. He said:

> "The history of liberty is the history of limitations upon the powers of Government."

How is this limitation effected? By judicial brakes. Therefore, these brakes, as the brakes of motor cars, should not be loosened. These are my observations.

Shri Pataskar: The Bills in question have been discussed in this House for the last 4 days and more. Almost 50 members have taken part in the discussion. They represent the views not only of all parties in this Parliament, but also of many individuals who hold different views, on this absorbing question. I have carefully listened to all the speeches made by hon. Members and to the points that they have raised. It would be well nigh impossible for me to reply to every single point raised. For, that would take a very long time. More particularly, in view of the fact that the motion is merely to refer the Bills to a Select Committee, the Members of the Select Committee will take into account all these different points that have been raised.

I have already made a detailed speech trying to explain in my own way the various implications of the provisions proposed in these amending Bills. I would avoid a repetition as far as possible of what I have said earlier. As I said earlier in my speech the history of elected legislative bodies in India is comparatively of recent growth. There is no other country in the world where this experiment of parliamentary type of democracy, established on the basis of adult franchise, was tried on such a large scale as ours. It is not only a question of the large number of voters who are entitled to vote, but also a question of the vast areas over which they are spread, the difficulties which the voters have to encounter on that account and the variety of the people in several respects who constitute the large population of our country. As I have said at the beginning, by and large, the observers in the world, who watched our experiment, some with sympathy, some with antipathy, some with doubt and some even with jealousy, have admitted the success of this venture, and they had to admit, at any rate, that our elections were not less fair and free than those in any other part of the world.

Elections are, naturally, as I said earlier, an absorbing subject. It was no wonder that the discussion on this matter, ranged widely over all manners of extremes. So far as the method of election is concerned, some even went to the length of suggesting that the present method was no good and that the whole thing could be made very simple by ascertaining the wishes of the voters by collecting them somewhere and asking them to raise their hands or their voice.

Shri Kamath (Hoshangabad): Who said so?

Shri Pataskar: I would not like to mention names.

I do not know whether this would at all be possible even in respect of small villages. But, even if it was, what about the large number of people who inhabit the cities and towns and the medium-sized villages in our country? On the other hand, there have been those that urge that the present machinery of election should be far more elaborate than what it is now. Again, coming to the question of preparing rolls of voters, there were equally great divergence of views. Some complained that the present list of voters was all wrong, that we can dispense with any such lists and we should depend more on honesty and straightforwardness of the common man, who votes and anybody may be allowed to go and record his votes. It is difficult to imagine how such an election could either be free or fair. Would it not lead to large scale impersonation? Would it not lead to double voting and many other evils which I need not refer to in detail.

Pandit K. C. Sharma: There is marking with indelible ink.

Shri Pataskar: As regards the number of those who vote, some people have complained that hardly 50 per cent. of those who are entitled to vote went to polls in the last general elections, and it was suggested that the people should be compelled to record their votes. One of them was my hon. friend Pandit K. C. Sharma. I think we forget the very wise proverb that you can only take the horse to water, but you cannot make it drink.

Pandit K. C. Sharma: I did not suggest it.

Shri Pataskar: Any such compulsion is likely to create a sense of hostility against his exercise of the right to vote. Even in countries where this franchise is being exercised for the last several centuries, I learn that the percentage of those who actually vote is not much larger. As I said in my speech earlier, I think the people in this country have taken very kindly and well to this matter of elections.

As regards maintenance of proper rolls of voters, there were occasional complaints that some names were missing from the lists, that some names have been wrongly mentioned. To some extent, it appears to be inevitable when we are dealing with the preparation of rolls for a vast number of people as here. In this connection, I might mention that the total number of election officers appointed for the preparation of electoral rolls at the time of the last general election was as follows. For parliamentary constituencies, there were 324, for Assembly constituencies there were 1275 such officers, and for the Council constituencies there were 53. In all, there were 1652. The total number of revising authorities appointed for decision of claims and objections to the draft electoral rolls was 1529. On the whole, the work of the preparation of electoral rolls has been found satisfactory.

Much was made of the fact that in some cases, particularly when describing women, instead of their husband's name, their father's name or their brother's name was shown. This naturally might have happened in a few rural areas. I understand that the difficulties of enumerators are numerous. At the time when the electoral rolls are prepared, elections are not always in sight and even the future candidates are undecided, and the interest taken in the matter of getting the names registered is almost non-existent. Not only that, but when the enumerators visit certain houses, some people do not care to give correct information and at times give information which is misleading. Of course, this has been not on a very large scale, but I believe the only solution of this problem will be to create a spirit by means of propaganda and other means among the people in general to pay more attention to the exercise of this fundamental right of theirs. I have known of such instances, not of illiterate men, but of persons in trading firms in towns and cities. For instance, if the enumerator asks the name, they say it is Ramkishen Pannalal. It may be that Pannalal might be the name of some relation which is mentioned for the purpose of a particular trade which is carried on in that name. The enumerators go and ask him: "What is your name?" He gives the name of Ramkishen Pannalal. When the time comes for voting, Ramkishen goes to the poll and when asked his father's name, he only mentions a name something different from Pannalal. Then he finds his father's name is not there at all. In some cases the father's name is put before the person's name as a customary thing as is well known. That again leads to some mistakes. Such mistakes are there. They are comparatively very few, and as the common man begins to take more interest in his right to vote and realises the value and importance of his vote, they will disappear in course of time.

In the meanwhile, those who are charged with the task of preparing the rolls will, I am sure, make every possible endeavour to avoid mistakes of any kind.

I know there has been a good deal of complaint from hon. Members regarding the enumeration of voters belonging to the Scheduled Castes and Scheduled Tribes or women in general in the rural areas. I will see that special instructions are sent out by the Election Commission to those who are charged with that duty, to see that as far as possible they try to get correct information and do the needful in the matter, but it would be much better if these efforts are at the same time helped by the members belonging to different parties to see that proper rolls are maintained and that they are kept in the proper form by suitable machinery even before the actual time of the election.

There are already enough provisions in the rules under the present Act by which the people can get their names registered. The procedure prescribed in this respect is very simple, and I do not think any difficulty has been experienced so far on that account.

An element of exaggeration was also introduced in the debate when it was stated that when a man of the rank of an M.P. went to the registering officer to have his name registered, he was asked whether he was a matriculate, and when he said he was, he was asked to produce the certificate. Well, conceding that this may not be altogether an impossible thing to have happened, the chances of such a thing being a common occurrence or an occurrence of which this House should take note in framing this legislation are very rare indeed. It was probably meant as a sort of some merriment in the House.

Some complaints were also made in respect of the constituencies that have been framed. There were also suggestions whether there should be any double-member constituency even when the seat is reserved for the Scheduled Castes and Scheduled Tribes. I know that the difficulties of candidates in respect of double-member constituencies naturally are very great. There have also been complaints about the delimitation of these constituencies. I think these are all matters outside the purview of these two Bills and the two Acts which these two Bills seek to amend.

As Members are aware, we have got the Delimitation Commission Act passed by this House and that Commission's functions are to deal with this matter of determining and delimiting the constituencies and I regret that with all my sympathy for any grievances that may exist in this regard, it would not be possible to take these into account while considering the Bills now before the House.

[Shri Pataskar]

There was also a complaint that the voters' lists are not easily available, and also that they should be supplied free. I do not think it would be feasible to supply free copies of electoral rolls to all those who want them. It will involve Government in unnecessary and large expenditure.

Shri Kamath: The Bombay Government is doing it.

Mr. Speaker: Order, order.

Shri Pataskar: On the contrary, a candidate who wishes to stand either for the State Assembly or Parliament can easily spend for obtaining those copies at a fairly moderate price which is charged to him for supplying copies of those rolls.

Again, a question was raised with respect to the educational qualifications necessary for a person who could be allowed to put himself forth as a candidate for election. As we know, for historical reasons the spread of education in our country has not been as much as we would have liked it to be. Naturally, to have such a rule would be to confine the right to represent the people to a very small number of the population of our country. It is likely to be resented by a very large number of the population of our country who do not possess such qualifications. Nor is this test of an academic qualification likely to be a guarantee that such elected persons will be able to represent their constituencies better than those who unfortunately could not; owing to circumstances beyond their control, acquire the necessary academic qualifications.

Then again, it was suggested by some that the present method of nomination of candidates should be scrapped, and some went to the length of saying that instead of a man proposing himself that he was standing as a candidate, it must be left to the people to decide who should or should not stand as a candidate. It is all very well to imagine many things, but I do not know how the wishes of the people could be ascertained in some other manner than the one which is being followed not only in our country but elsewhere in the world. Then again, what would happen if the person whom the people wished to represent them was not prepared to stand as a candidate or even to work as a representative of the people?

There was a lot of criticism about the way in which the candidates of the parties went about praising their own individual or party merits. To some extent, this is, to my mind an inevitable feature of the elections. The only thing that must be prevented is the conduct of false propaganda either in favour or against any candidate, because that is likely to influence the voters in a wrong manner. I am entirely at one with those who plead that at the time of the election resort to mutual vilification and recrimination should be avoided. At present the Act and the rules framed thereunder make ample provision in this respect and it would be very difficult to go beyond what we have already laid down in this connection whether in these Acts or the rules thereunder.

As regards this matter of recrimination and vilification by parties, groups or individuals, it must be noted that in many cases it has been the common experience of all parties that this recrimination and vilification had produced very little effect on the voters in favour of those who vilified or committed these acts of recrimination. But it has also not been an uncommon experience that the voters have reacted exactly in the opposite way, and I think the best thing would be to depend more upon the common man's goodwill and spirit of decency which an ordinary voter in my opinion does possess in this country.

As far as propaganda by parties is concerned, there are parties in our country and the existence of parties is an inevitable concomitant of parliamentary democracy. Some sort of party criticism is unavoidable, and however much we may try to keep party considerations out, they are bound to exercise some influence on the psychology of those who work in the interests of those parties. I know there has been some criticism against the Congress party which secured in the last elections a majority in Parliament as well as in many of the State Legislatures. I can understand that those who could not be returned in sufficient numbers,—whether they were individuals or members of a party,—are likely to look upon this aspect of the matter from a point of view which is unfavourable to the majority party.

Shri Kamath: Not so.

Shri Pataskar: While conceding this, however, we must set some limit to which such criticism should go. It pained me to listen to some of the criticisms against the majority party, which were entirely unwarranted. One hon. Member went to the length of saying that there was only one good person in the party but then he too was in bad company, while another hon. Member tried to find fault even with that sole person. This is not only condemnation of the members of the majority party, but I would humbly urge that this amounts to condemnation of the mass of people in the country who are responsible for the election of the members of the majority party. I would appeal to them—and it is not from a party point of view I am saying this—that it is desirable to avoid such criticism, for it does no good to those who criticise in this way, and is likely to harm the interests of the nation as a whole.

Shri Kamath: Of the majority party.

Shri Pataskar: Of course, naturally. There should be some proper way in which party discussion and propaganda should be carried on.

There was a good deal of criticism with regard to indirect influence of capitalism on voting. Election is no doubt a matter of expense, and all attempts should be made to reduce the expenditure. There might have been a few cases where probably people got elected on account of the strength of their purse, but the very composition of our House here and the State Legislatures will show that this criticism is not justified. You see comparatively only a very small number of capitalists either in this House or in any of the elected Assemblies in the country.

Shri C. D. Pande: They are only on your opposite side.

Shri Pataskar: Coming to the question of the method of nomination in this Bill an attempt is made to make it as simple as possible, and if it can be further simplified by the Select Committee, it would be open to them to do so. Previously there had been a Bill introduced in this House to amend the Representation of the People Act, 1951. That Bill was referred to a Select Committee, and that Select Committee did make a suggestion that at the stage of scrutiny of the nomination paper, there should be a judicial authority who should do it, and then an appeal was also provided against the decision of that scrutiny officer. While introducing these Bills, this scheme had been dropped. But many hon. Members including some of those who were Members of the former Select Committee have urged in favour of the reintroduction of those provisions.

It is true that out of 338 election petitions, 116 were on the ground that there was improper acceptance or rejection of nomination papers. Taking this into account, attempt is now being made to make it almost difficult for anybody at the time of scrutiny....

Shri S. S. More (Sholapur): Have you got any figures regarding those petitions which were filed on the ground of illegal acceptance of nomination papers? Have you got any figures about the cost involved in these petitions?

Shri Pataskar: Probably the hon. Member was not attentive. I have just given those figures. Out of 338 election petitions, 116 were on the ground that there was improper acceptance or rejection of nomination papers.

Shri S. S. More: I wanted to know the expenses incurred by Government and possibly by both the parties to the petitions, as far as these matters are concerned. Could you give us some idea of that?

Shri Pataskar: As regards the expenditure incurred by the parties, it would not be possible for me to give it. As regards the expenditure incurred by Government, I shall be able to place that information before the Select Committee; I cannot give it today.

Taking this into account, attempt is now being made to make it almost difficult for anybody at the time of the scrutiny to reject a nomination paper. That is the measure which we have tried to follow in the provisions that are proposed.

The only point is whether if the objection is on the ground of disqualification, that should be investigated at this stage or it should be left to be investigated if necessary by an election petition presented after the elections are over. As hon. Members are aware, the question of determining whether the candidate concerned is disqualified to stand on the grounds mentioned in the various sub-sections of section 7 is a very difficult one. Normally, it would be expected that the person who is really so disqualified is the best person to know it, and he ought not to undertake the task of undergoing all the expense and trouble of an election campaign. And I believe experience in the past will lead many such persons not to attempt to do it. If such a person does stand, then he must be prepared to undergo the risk involved in his being subsequently declared to be disqualified and not being allowed to sit in the Assembly or the Parliament as the case may be.

But apart from this there is another serious and greater difficulty in the matter, and that is that even if we establish a judicial authority to decide this matter at the time of scrutiny and we set up another authority to hear an appeal from the decision of that authority, the matter is likely to be prolonged very considerably by resort to the use of provisions like those contained in article 226 of the Constitution. In many cases it would not be difficult to obtain writs preventing the holding of election; and once a writ is issued, the matter is bound to be kept pending for a long time. The hon. Member who spoke just before me has suggested that the President and the Governors in the States have got the power at the time the Supreme Court and the High Courts make rules for the conduct of their business to approve of those rules; that is to say, the High Courts have to take the approval of the Governors concerned, and the Supreme Court has to take the sanction of the President. I do not know whether it would be easy to carry out that suggestion. There will be interminable discussions as to what form those rules should take. Though I am not sure of success, I shall try to explore this aspect of the matter also.

But our present experience is that in many cases, the general power given under article 226 to the High Court to issue any writs to any authority or any body, whether judicial or otherwise is a power, which, we find, has been exercised in a way which has protracted these matters. Of course, I do not wish to blame anybody for that. When these writ petitions are filed, we find that in many cases, after eight or nine months, they are dismissed. But the matter is delayed for a considerable time. The same thing might happen even if we set up a judicial authority to decide this matter at the time of the scrutiny of nomination papers. Even when the writ petition is dismissed by the High Court, the result will be that after a considerable lapse of time, the matter can easily be taken to the Supreme Court under the other provisions of the Constitution. Thus, our experience has shown that it would not be difficult for persons, if they are so minded, to hold up the elections at least in certain parts of the country for a considerable time. This would upset all the arrangements which have been made by the election authorities according to the schedule for holding elections. This might again interfere with the proper constitution of the different Assemblies in proper time. That is a matter further which is of greater importance. It is from these points of view, that those provisions do not and a place in the present Bills. I am sure, however, that the present Select Committee will, while taking into consideration the provisions made by the former Select Committee, also take into account this aspect of the matter which I have just placed before the House.

As regards the curtailment of the election programme, some have expressed themselves in favour of it, and some against it. I am sure the Select Committee will take these views into consideration.

Another aspect of election is the question of the filing of the return of election expenses. Many hon. Members, almost invariably everyone of them, have expressed their own views one way or the other. As the present Act stands, it is necessary for a candidate to keep an account of what he is spending and at the same time to submit also a return of the election expenses incurred. So, he has to do two things, firstly to maintain an account of his expenses, and secondly to file a return in the prescribed form of those expenses. As has been found, the form of return of election expenses is so complicated that it is difficult to divide the various items of expenditure to be shown under the different heads mentioned in the form. At the time of the discussion of the last Bill, there was a good deal of argument, and also to some extent unanimity, complaining about the form of the return of election expenses. It has, therefore, been proposed in the present Bill to do away with this question of filing this sort of a complicated form of return of expenses and what is proposed to be done is that only a copy of the account that the candidate has to maintain should be lodged with the Returning Officer. This will do away with the question of dividing that account into different categories.

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Many Members complained that true accounts are never shown by anybody. But, if it is so, the remedy can hardly be to do away with all accounts. It is very strange logic that because people do not keep true accounts, therefore, do away with the accounts themselves.

Shri Gidwani (Thana): It has been urged by every hon. Member as we have to keep false accounts.......

Mr. Speaker: Order, order; let the hon. Minister proceed.

Shri Gidwani: The Minister must make an attempt to reply to......

Mr. Speaker: I do not accept the practice of an intermittent reply. That means that the whole debate is revived again. For every reply given by him there is bound to be a counter-reply. Unless there is a fact on which intervention is absolutely necessary and a factual reply is given, there is no occasion for the hon. Members to get up and interfere with the hon. Minister.

Shri Pataskar: Hereafter there should be no difficulty in the way of those honest candidates who want to keep true accounts......

Shri Gidwani: What is the number of such candidates?

Mr. Speaker: Order, order.

Shri Pataskar: There has been some complaint about a provision which made it necessary to attach a voucher in respect of every item shown in the return of election expenses. There is no mention of any such voucher in the provisions now proposed to be made in these Bills.

Then, again, there was considerable discussion with respect to the maximum expenditure which a candidate should be allowed to incur in connection with the election. Some suggested that there should be no limit; others suggested that the limit should be very low. In my view of the matter, the fixing of such an amount at any level will depend upon many factors which will have to be taken into account and this maximum is bound to vary from time to time. It has, therfore, been thought safe to leave them to be decided by rules.

I have already explained in my opening speech in detail as to why expenditure incurred by a recognised party orgaisation should not be taken into account in seeing whether the maximum amount fixed is or is not exceeded. It is true that this might appear, to some extent, a hardship for individual candidates who do not belong to any party. It appears that by and by individuals are bound to find it difficult to contest elections. Besides, the parliamentary type of democracy clearly envisages a Government by party whichever it might be. So, the development of party organisations is natural and necessary. In such a system, individuals are bound to play, if at all, an unimportant role. That has been the experience not only in our country but in countries where this type of democracy prevails The arguments advanced in this connection, to my mind, were very significant. Some hon. Members charged that some party had the backing of capitalists behind them, some other hon. Members charged some other party that they were getting resources for election expenses from outside the country and some even went to the length of saying that money for election purposes was secured by offences against society. While it is difficult and needless to say whether there is any truth behind any of these allegations, such charges only display the acuteness of party feelings which makes people say such things. It is much better to ignore such arguments and believe more in the honesty of the common man and his ability to exercise the vote freely and fairly.

Under the provisions of our Constitution in article 83 there is a provision which says that—

> "The House of the People, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House."

It is, therefore, clear that unless sooner dissolved our House will continue to function till about May 1957. Then as I said earlier, the periods on which the different Assemblies will be dissolved by efflux of time will be different in different States and if we concede that it would be convenient from the point of view of the elections as a whole that they should be held simultaneously, it can be done more appropriately by dissolving all these bodies a little earlier. But, how to do so is a question which will have to be considered. So long as the proviso to section 15 of the Representation of the People Act, 1951 stands, it would not be possible to hold such simultaneous elections. There is no desire on the part of anybody, as suggested by some hon. Members, to use this as a device to continue for a few months the Ministerial rule without the Parliament or the Assemblies functioning. It is purely from the point of view of the convenience of the public, the electoral authorities and the candidate himself that this has been suggested. I learn that this is the practice which is followed in the United Kingdom where also a similar period of five years has been prescribed by the Parliament Act of 1911. There also, what they do is, they generally dissolve the Parliament a little earlier than it would be dissolved due to efflux of time and then arrange for the elections. However, that is a matter on which I know there are strong feelings in this House and if there is any other solution possible by which our purpose would be achieved and, at the same time, we may continue here till May 1957, Government will have no objection to any such procedure being devised. It is not because there is a suggestion to that effect from the Election Commission that this provision has been proposed in the Bill but it is purely from the point of view of convenience to all concerned that it has been put forth and, I am sure, the Select Committee will take all aspects of this question into consideration.

I come next to the question of election tribunals. I have already stated in my opening remarks that one disturbing feature of our elections has been that there is a large number of election petitions. It is desirable from every point of view and in the interest of every party or individual in the country that this must be discouraged. I have already referred to the nature of election disputes and as I have made it clear, these must not be looked upon as civil disputes between two contesting rivals but must be looked at from the point of view of the right of the people of the constituency to be represented by a member of their choice.

Here again I might bring to the notice of the hon. Members certain facts about this question as they obtain in England. For instance, in the beginning, it was Parliament itself which used to decide these matters. Subsequently, after some centuries, they found that on account of the prevalence of parties, naturally, it would be much better to leave it to some outside authority. That is how they started the practice that these matters should be decided by somebody in the position of Circuit Court Judge or such authority. But, there, it is looked at from a different point of view. I would again like to bring to the notice of the hon. Members that the common experience in England is that there are very few petitions. As a result of the last general elections in England, I am told, there has been only one petition. In the United States also there is a provision which I already pointed out and regarding which I would again like the hon. Members to take note that all these matters are decided by the Houses themselves and not by judicial authorities because while we are considering the matter of delay caused we have also to take this aspect of the matter into consideration and separate these from ordinary disputes between two persons regarding property or civil rights. I am afraid this aspect of the matter has not been properly taken into account by various hon. Members who spoke about this matter. I have already explained—and I would like to repeat here—that the Constitution-makers wanted to keep this matter of free and fair elections free from judicial interference of the normal type. They, therefore, laid down specifically in article 329 that an election can only be called in question by an election petition presented in the manner provided by law made by Parliament and by no other method. It was from this point of view that the Representation of the People Act, 1951, made elaborate provision for the presentation and trial of election petitions by tribunals of a special character. The underlying idea was that the election disputes should be decided speedily and finally. I am glad that many hon. Members are also agreed that it must be decided speedily and finally. Experience has shown that the working of these tribunals and the various orders issued by the different High Courts and the Supreme Court have led to considerable delay in the disposal of these disputes.

[Shri Pataskar]

It is worth while here for me to give the hon. Members some information regarding the working of these election tribunals and the settlement of these disputes. There were 338 election petitions filed after the last general elections in the beginning of 1952. Out of these 129 were allowed. However, in spite of decision by tribunals in the case of three cases results could not be published till now on account of the stay orders issued by the High Courts. The number of election petitions dismissed is 157. The number of election petitions withdrawn, abated or otherwise rendered infructuous is 23 and the total number of election petitions even now pending before the election tribunals after 3½ years is 5. Out of these 5 cases one has since been disposed of but the result has yet not been published. I am not sure whether that would be a subject-matter of any writ of High Court or special leave application to Supreme Court. The remaining 4 cases are—one from Delhi, one from Lucknow, one from the State of Bihar and one from Madhya Pradesh. I think every hon. Member will agree with me that a system under which the decision of an election matter can be fought and continued for almost the full period of 5 years indicates an unsatisfactory state of affairs. The delay has been due partly to the work of these tribunals and partly to the various orders issued by different High Courts and the Supreme Court. I have nothing but respect for the ability and efficiency of our judiciary. And I therefore said on the last occasion that our judges also are familiar with the public sense of justice as every judge ought to be, and wherever they have a latitude, they automatically keep within the bounds which that rather vague but very powerful force sets for them. That vague term naturally is the "public sense of justice". But it appears to me that they have no latitude in this regard and therefore they could not but pass the orders which have led to these results. I think this clearly indicates that it is duty of the Parliament now to take proper remedial action in this matter, and it would be open to the Select Committee to make whatever suggestions it would like to make.

There has been some criticism as to two instead of 3-member tribunals. The Bill has proposed a tribunal consisting of two serving judges. The three-member tribunal consisted of one advocate and two judges who were either serving or retired In many cases, for administrative convenience, one serving judge was usually appointed, the other judge was either a serving judge or a retired judge, and the third one an advocate. Experience has shown that persons not in actual service are very often not interested to dispose of matters speedily. It is purely from that point of view that the present composition of the tribunal to consist of two serving judges is proposed. Some hon. Members have made a proposal that a tribunal may consist of one serving judge and there may be one appeal to the High Court. I am inclined to think that this also is a proposal worth being considered seriously by the Select Committee, for in that case that might obviate many of these writs and appeals to the Supreme Court. It may also help in preventing the resort to the Supreme Court and High Court in many cases. As regards the appointment of advocate members of the tribunals, the Election Commission found that the remuneration of Rs. 60 per day paid to them did not prove attractive enough to the comparatively senior members of the profession. There was no question of additional remuneration in the case of serving judges and I have pointed out on the last occasion that expenses incurrd by Government on these tribunals was somewhere in the neighbourhood of Rs. 16,00,000. I am sure the Select Committee naturally will have to find some solution to this problem and they will take into account the different views expressed by different members in this connection as also the views of the Election Commission in this regard.

The hon. Member from Delhi complained about the inadequate representation given in the State Assembly to the members of the Scheduled Castes in the Delhi State. While sympathising with any real grievance if there is one on this score, I am afraid that is not capable of being remedied by any of these two Bills.

There was some suggestion from one hon. Member—I do not find him here now—that the age of 21 for the voter should be reduced to 18, the age of majority. I do not see what reasons there could be for suggesting that the age for the voters should be reduced.

The hon. Member, Dr. Krishnaswami, made a pointed reference to the proposal to have the House of the People or the Assembly dissolved prior to the date on which their terms of office expired and he suggested that such a dissolution will not be in conformity with the principles of the Constitution. I am afraid in my view of the matter, there is no such constitutional difficulty. All the same, whether there is propriety or no propriety is a matter which may be considered by the Select Committee. Even that aspect of the matter will, I am sure, be taken into account by the Select Committee.

I have touched on almost all the points from the first stage to the last stage of the election which have been raised by many hon. Members. There might be a few others of a minor nature to which I have made no reference, but I am sure that copies of the debate, which has taken so long and is so elaborate on this subject, will be sent to the Members of the Select Committee and they will take every little point of view urged in this House; all the points will be considered appropriately and properly by the Select Committee.

I commend my motions for the acceptance of the House.

Mr. Speaker: Now, let us be clear about the amendment. Has Pandit Thakur Das Bhargava seen this amendment?

Pandit Thakur Das Bhargava (Gurgaon): There are two amendments; the amendments are the same practically. There are two amendments because there are two Bills.

Mr. Speaker: Will he move them?

Pandit Thakur Das Bhargava: They have already been allowed to be moved. With your permission I will move them again if the previous moving of the amendments is not accepted as correct—at that time the instances were not given there.

I beg to move:

"That in the first motion, *after* 'the mover' *insert*:

'with instructions that matters other than those dealt with in the Bill, but relating to election in general and matters dealt with in the Representation of the People Acts, 1950 and 1951 (XLIII of 1950 and 1951), *e.g.*,—

(i) duties of Returning Officer, Presiding Officer and Polling Officer. (Sections 24, 27 and 28);

(ii) appeals from decision of Returning Officers on scrutiny of nomination;

(iii) Election accounts—(section 44);

(iv) functions of Polling Agents and Counting Agents—(section 49);

(v) ballot boxes and method of voting—(sections 59 and 63)—ballot boxes and method of counting;

(vi) Return or statement of Election expenses—

(a) whether it should be dispensed with?

(b) whether its filing should be before or after filing of election petition?

[Pandit Thakur Das Bhargava]

(c) whether it should be open to inspection before presentation of election expenses?

(d) whether there should be a ceiling?

(vii) definition of candidate [section 79(b)—specially having regard to the judgment of Supreme Court in Katpadi Election case];

(viii) procedure before Election Tribunal and Powers of Tribunal —(sections 88, 90 and 92)— and composition of Tribunal;

(ix) Incriminating Questions— should there be certificate of indemnity—(section 95)?

(x) claim for Recrimination—(section 97);

(xi) when petitioner in election case can claim the seat— (section 101);

(xii) withdrawal and abatement of election petition—(sections 108 109, 110, 112, 113, 114, 115 and 116);

(xiii) corrupt practices—(sections 123 and 124);

(xiv) Illegal practices—(section 125);

(xv) electoral offences—(section 129 should be made applicable to all Government servants as recommended by Election Commission);

(xvi) disqualifications arising out of illegal practices—(section 142);

(xvii) Removal of Disqualifications —how far condonations should be made retrospective—which authority should be vested with the power to condone and in which circumstances;

(xviii) Symbols and Power of Election Commission in connection therewith;

(xix) Disqualifications (section 7)— apart from consequences of not lodging Election Return;

be considered and amendments allowed to be moved and made and also;' "

This is in respect of Representation of the People (Amendment) Bill, 1955. Now I shall move my other amendment in respect of Representation of the People (Second Amendment) Bill, 1955.

I beg to move:

"That in the second motion, *after* 'the mover' *insert*:

'with instructions that matters other then those dealt with in the Bill, but relating to election in general and matters dealt with in the Representation of the People Acts, 1950 and 1951 (XLIII of 1950 and 1951), *e.g.*—

(i) duties of Returning Officer, Presiding Officer and Polling Officer, (Sections 24, 27 and 28);

(ii) appeals from decision of Returning Officers on scrutiny of nomination—

(iii) Election accounts—(section 44);

(iv) functions of Polling Agents and Counting Agents—(section 49);

(v) ballot boxes and method of voting—(sections 59 and 63) —ballot boxes and method of counting;

(vi) Return or statement of Election expenses—

(a) whether it should be dispensed with?

(b) whether its filing should be before or after filing of election petition?

(c) whether it should be open to inspection before presentation of election expenses?

(d) whether there should be a ceiling?

(vi) definition of candidate [section 79(b)—specially having regard to the judgment of Supreme Court in Katpadi Election case];

(viii) procedure before Election Tribunal and Powers of Tribunal—(sections 88, 90 and

92)—and composition of Tribunal;

(ix) Incriminating questions—should there be certificate of indemnity—(section 95)?

(x) claim for Recrimination—(section 97);

(xi) when petitioner in election case can claim the seat—(section 101);

(xii) withdrawal and abatement of election petition—(sections 108, 109, 110, 112, 113, 114, 115 and 116);

(xiii) corrupt practices—(sections 123 and 124);

(xiv) illegal practices(—section 125);

(xv) electoral offences (—section 129 should be made applicable to all Government servants as recommended by Election Commission);

(xvi) disqualifications arising out of illegal practices—(section 142);

(xvii) Removal of Disqualifications—how for condonations should be made retrospective—which authority should be vested with the power to condone and in which circumstances;

(xviii) Symbols and Power of Election Commission in connection therewith;

(xix) Disqualifications—(section 7)—apart from consequences of not lodging Election Return;

be considered and amendments allowed to be moved and made and also'."

Mr. Speaker: These two amendments are before the House now.

Shri C. D. Pande: May I just say a word. The long list which forms part of the amendment is not exhaustive, there may be other instances which may have to be considered by the Select Committee.

Pandit Thakur Das Bhargava: The instances are never exhaustive.

Shri S. S. More: They are illustrative.

Mr. Speaker: The position is this. The original amendment that was tabled is:

> "With instructions that matters other than those dealt with in the Bills, but relating to election in general and matters dealt with in the Representation of the People Acts, 1950 and 1951 (XLIII of 1950 and 1951) be considered and amendments allowed to be moved and made and also"

This is a vague amendment and is likely to enlarge the scope and give trouble to the Chairman of the Select Committee in deciding as to which amendment should be permitted and which not, under the instructions of the House. The present amendment is, as I understand it, gives the spirit of the same but tries to make it more specific and gives direction specifically as to which sections or which parts should be taken into consideration apart from the other provisions which are parts of the original Acts so that proposals can be made by the Select Committee in respect thereof. That is the only difference. Substantially, there is no difference; only it tries to make it more specific.

Shri Pataskar: I would like to make clear one point. I have no objection to all these matters which are specifically mentioned in the list supplied and just now read out by the hon. Member. But the words "Matters other than those dealt with in the Bills but relating to election in general and matters dealt with in the Representation of the People Acts......" This expression should go. The motion may read: "......matters which are mentioned in the list attached herewith......".

Pandit Thakur Das Bhargava: The first amendment as it exists was moved in this House and there was no list attached to it. Then we had a talk with the hon. Minister and he

[Pandit Thakur Das Bhargava]

said that some specific matters should be mentioned here so that he may consider if amendment should be accepted. Then a list was sent to him. Some hon. Members sent me a list containing the points and I also had my suggestion added to it. But the list was never meant to be exhaustive. It was just to convince the hon. Minister so that he may be able to accept the original amendment. I am perfectly conscious that in this matter all the Members of the Select Committee are motivated by one motive alone and that is that the election law of this country should be foolproof and knaveproof. There should be no difficulty about it. We should have the best law. I do not think that there would be any trouble to the Chairman or the Minister in regard to the amendments which we had sought to move. I should think that there was a feeling expressed that this House wanted a complete code of election. If that is so, I would urge the hon. Minister and also request you, to be pleased to accept this amendment. Originally, the amendment was for all matters relating to election in general—everything connected with elections, which may be relevant. We are not out to trouble the hon. Minister or the Chairman but we only want that the law may be as exhaustive and as complete and as good as possible. That is the only basis on which we have moved the amendment and I hope the hon. Minister will kindly agree because this list was never meant to be exhaustive. I only suggested one matter in the list and I never thought what other matters could be included there. If we were told that this list was wanted for this purpose, we would have tried to include all other things also. As a matter of fact, the list was given to me by Shri Chatterjee saying that those were the points which he wanted to indicate and I only suggested one point which I had already made in my speech. I did not think of others. I thought it was only meant to convice the hon. Minister and make him agree to this amendment.

Shri Pataskar: May I just explain the position so that there will be no misunderstanding? I have already tried to make it clear that most of the suggestions contained here are covered by the several amendments that are proposed in the two Bills. At the time when the amendment was moved, a suggestion was made that there may be some other connected matters arising out of those amendments but that they may be ruled out or would not be taken into account by the Select Committee because of some technical reasons. Under those circumstances, I have naturally suggested that whatever amendments or changes were proposed by different Members in this House will be looked into by me and that it would be much better if we referred to the Select Committee specific topics or the sections of the Acts which are proposed to be amended. From that point of view when this list was given to me the next day, I carefully examined it. But I found that many of these matters which come within this amendment are already open for discussion in the Select Committee. However, I thought it to be a better course as there was a general wish on the part of the Members of this House that the connected matters should be taken into account. Instead of trying to say that these are already covered and these are not covered, I am prepared to adopt the whole of that long list. After having carefully listened to the speeches of the hon. Members, I do not find a single point which has been urged for consideration by the Select Committee but which is not covered either by the sections mentioned in this list or by the Bills. It is not from any desire to avoid anything but on principle I think that it is very vague and this is not a good procedure to follows to allow "matters relating to election in general". It means matters relating to election in general—not only matters dealt with in the Representation of the People Acts and referred now in the two Bills, not only those sections which are proposed to be amended by them but also others. It will be very vague to allow or accept any such thing. It is not from any desire to avoid any important aspect or any matter. Normally with this list and the present Bills, there would be no difficulty experienced by any hon. Member in putting forth his view with respect to such matters. On principle, I think it would not be proper to say this when we are considering the amendment for these two Bills that not only the provisions of these two Bills but all other matters relating to election would be taken into account. It is only from that point of view that I say it is vague. If the hon. Member has misunderstood me I am sorry but I have made it clear that I would like to know what specific topics or sections they wanted to discuss in the Select Committee. After that, the list was given. But I can assure hon. Members that I will be the last person to discourage anything which is in any way connected with it. I am sorry I cannot accept the proposed amendment as it is and I would also leave it to the Chair to see whether it is a wholesome practice.

Pandit Thakur Das Bhargava: May I suggest that the words 'election in general' may be scored out?

Shri Ramachandra Reddi (Nellore). I have only one point to suggest. If only this long list of suggestions had been circulated to the Members it would have been possible for them to give some more suggestions. Now, the hon. Minister is both conceding and also receding. In one way he has conceded; he is going to accept all the suggestions made and at the same time he is not very clear about what other suggestions he is going to accept. In these circumstances, it is much better that either the list is accepted as it is *in toto* or some more time is given so that some more suggestions may be made to avoid the vagueness.

Shri Pataskar: I suggested that even on the very first day. I appealed to hon. Members who had given notice of amendments and who intended to move them and invited them to suggest the specific points that they wanted to be raised. The record will show it. I made that appeal but it seems nobody had done it.

Shri Kamath: May I ask for a clarification? To use the Minister's words, it is a 'long list'. May I ask whether this list will be *inter alia* or will the deliberations of the Select Committee and later the deliberations of the House will be tied down to only that list?

Shri C. D. Pande: They are there given as illustrations. We do not want to go beyond the scope of the Bills but suggestions which are germane to the Bills may be accepted even though they are not given in the list and come later on.

Mr. Speaker: The hon. Minister's contention appears to be right to me so far as these words are concerned, namely, 'election in general'. That will mean matters not included in the two original Acts. It may mean 'elections in general' and then the scope will be unlimited. That will be a difficulty. It is better, as he has pointed out to restrict ourselves only to the original Acts and I would, therefore, suggest for the acceptance of the Minister, if he likes and if he is so advised, that the words should be "with instructions that matters other than those dealt with in the Bill but relating to matters dealt with in the Representation of the People Act 1950."

Several Hon. Members: That is correct.

Mr. Speaker: Then, of course, there are the words, *e.g.*, as stated by some Members. Therefore, the list is not exhaustive.

Shri Pataskar: Then the list also may not become necessary.

Mr. Speaker: Let it be there. It is an illustrative list. So, I will put the amendment to the vote of the House now.

Shri Raghavachari: May I suggest that the word must be 'Acts' and not 'Act'.

Mr. Speaker: What I have stated: "With instruction that matters other than those dealt with in the Bill" that is the Bill now under consideration. ..

Shri S. S. More: There are two Bills.

Pandit Thakur Das Bhargava: There are two amendments also.

Mr. Speaker: I know. Let there be no confusion. The Chair is clear on all these points. Hon. Members need have only patience. The amendment is: "With instructions that matters other than those dealt with in the Bill"—that is the one under consideration—"but relating to matters dealt with in the Representation of the People Act so and so." There are two amendments. I will now put them one by one to the vote of the House. First I shall put the one relating to the Representation of the People (Amendment) Bill.

The question is:

That in the first motion *after* 'the mover' *insert*:

> 'with instructions that matters other than those dealt with in the Bill, but relating to matters dealt with in the Representation of the People Acts, 1950 and 1951 (XLIII of 1950 and 1951), *e.g.*,—
>
> (i) duties of Returning Officer, Presiding Officer and Polling Officer (sections 24, 27 and 28);
>
> (ii) appeals from decision of Returning Officers on scrutiny of nomination;
>
> (iii) Election accounts—(section 44);
>
> (iv) functions of Polling Agents and Counting Agents—(section 49);
>
> (v) ballot boxes and method of voting—(sections 59 and 63)—ballot boxes and method of counting;
>
> (vi) Return or statement of Election expenses—
>
> (a) whether it should be dispensed with?
>
> (b) whether its filing should be before or after filing of election petition?
>
> (c) whether it should be open to inspection before presentation of election expenses;
>
> (d) whether there should be a ceiling?
>
> (vii) definition of candidate [section 79 (b) specially having regard to the judgment of Supreme Court in Katpadi Election case];
>
> (viii) procedure before Election Tribunal and Powers of Tribunal —(sections 88, 90, and 92)—and composition of Tribunal;
>
> (ix) Incriminating question—should there be certificate of indemnity—(section 95),
>
> (x) claim for Recrimination—(section 97);
>
> (xi) when petitioner in election case can claim the seat—(section 101);
>
> (xii) withdrawal and abatement of election petition—(sections 108, 109, 110, 112, 113, 114 114, 115 and 116);
>
> (xiii) corrupt practices—(sections 120 and 124);
>
> (xiv) illegal practices—(section 125);
>
> (xv) electoral offences—(section 129 should be made applicable to all Government servants as recommended by Election Commission);
>
> (xvi) disqualifications arising out of illegal practices—(section 142);
>
> (xvii) Removal of Disqualifications —how far condonations should be made retrospective—which authority should be vested with the power to

condone and in which circumstances;

(xviii) Symbols and Power of Election Commission in connection therewith;

(xix) Disqualifications—(section 7) —apart from consequences of not lodging Election Return;

be considered and amendment allowed to be moved and made and also'."

The motion was adopted.

Mr. Speaker: Now, I will put the second amendment to the vote of the House.

The question is:

"That in the second motion *after* 'the mover' *insert*:

'with instructions that matters other than those dealt with in the Bill, but relating to matters dealt with in the Representation of the People Acts, 1950 and 1951 (XLIII of 1950 and 1951), *e.g.*,—

(i) duties of Returning Officer, Presiding Officer and Polling Officer. (sections 24, 27, and 28);

(ii) appeals from decision of Returning Officers on scrutiny of nomination;

(iii) Election accounts—(section 44);

(iv) functions of Polling Agents and Counting Agents—(Section 49);

(v) Ballot boxes and method of voting—(sections 59 and 63) —ballot boxes and method of counting;

(vi) Return or statement of Election Expenses—

(a) whether it should be dispensed with?

(b) whether its filing should be before or after filing election petition?

(c) whether it should be open to inspection before presentation of election expenses?

(d) whether there should be a ceiling?

(vii) definition of candidate [section 79(b) specially having regard to the judgment of Supreme Court in Katpadi Election case];

(viii) procedure before Election Tribunal and Powers of Tribunal—(sections 88 90 and 92) —and composition of Tribunal;

(ix) Incriminating Questions—should there be certificate of indemnity—(section 95)?

(x) claim for recrimination—(section 97).

(xi) when petitioner in election case can claim the seat—(section 101);

(xii) withdrawal and abatement of election petition—(sections 108, 109, 110 112, 113, 114, 115, and 116);

(xiii) corrupt practices—(sections 123 and 124);

(xiv) Illegal practices—(section 125);

(xv) electoral offences—(section 129 should be made applicable to all Government servants as recommended by Election Commission);

(xvi) disqualifications arising out of illegal practices—(section 142);

(xvii) removal of Disqualifications —how far condonation should be made retrospective—which authority should be condone and in which circumstances;

(xviii) Symbols and Power of Election Commission in connection therewith;

[Mr. Speaker]

(xix) Disqualifications—(sections 7) —apart from consequences of not lodging Election Return;

be considered and amendments allowed to be moved and made and also'."

The motion was adopted.

Mr. Speaker: Shri N. C. Chatterjee's amendments are covered by these amendments of Pandit Thakur Das Bhargava which have been adopted. So they need not be put.

I shall now put the motion, as amended, in respect of the Representation of the People (Amendment) Bill.

The question is:

"That the Bill further to amend the Representation of the People Act, 1950, and to make certain consequential amendments in the Government of Part C States Act, 1951, be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri T. N. Viswanatha Reddy, Shri Venkatesh Narayan Tivary, Shri S. C. Deb, Shri Durga Charan Banerjee, Shri Ganesh Sadashiv Altekar, Shri Balvantray Gopaljee Mehta, Shri Gopalrao Bajirao Khedkar, Shri H. C. Heda, Shri Radha Charan Sharma, Shri B. B. Varma, C. D. Pande, Pandit Balkrishna Sharma, Shri Rameshwar Sahu, Shri Nemi Chandra Kasliwal, Shri Awadeshwar Prasad Sinha, Shri Feroze Gandhi, Pandit Algu Rai Shastri, Shrimati Subhadra Joshi, Shri H. Siddananjappa, Shri A. M. Thomas, Shri C. Ramaswamy Mudaliar, Shri M. L. Dwivedi, Shri Mukand Lal Agrawal, Shri Bahadurbhai Kunthabhai Patel, Shri Shivram Rango Rane, Shri Nattur P. Damodaran, Shri Shriman Narayan, Shri U. Srinivasa Malliah, Shri Shree Narayan Das, Shri N. C. Chatterjee, Shri P. T. Punnoose, Shri Hirendra Nath Mukerjee, Shri M. S. Gurupadaswamy, Shri Sivamurthi Swami, Shri Amjad Ali, Sardar Hukam Singh, Shri Shankar Shantaram More, Shri Anand Chand and the mover, with instructions that matters other than those dealt with in the Bill, but relating to matters dealt with in the Representation of the People Acts, 1950 and 1951 (XLIII of 1950 and 1951), *e.g.*,—

(i) duties of Returning Officer. Presiding Officer and Polling Officer (Section 24, 27 and 28);

(ii) appeals from decision of Returning Officers on scrutiny of nomination;

(iii) Election accounts—(section 44);

(iv) functions of Polling Agents and Counting Agents—(section 49);

(v) ballot boxes and method of voting—sections 59 and 63)—ballot boxes and method of counting;

(vi) Return or statement of Election expenses—

(a) whether it should be dispensed with?

(b) whether its filing should be before or after filing of election petition?

(c) whether it should be open to inspection before presentation of election expenses?

(d) whether there should be a ceiling?

(vii) definition of candidate [section 79(b)—specially having regard to the judgment of Supreme Court in Katpadi Election case];

(viii) procedure before Election Tribunal and Powers of Tribunal—(sections 88 90 and

92)—and composition of Tribunal;

(ix) Incriminating question—should there be certificate of indemnity—(section 95);

(x) claim for Recrimination—(section 97);

(xi) when petitioner in election case can claim the seat—(section 101);

(xii) withdrawal and abatement of election petition—(sections 108, 109, 110, 112, 113, 114, 115 and 116);

(xiii) corrupt practices—(sections 123 and 124);

(xiv) illegal practices—(section 125);

(xv) electoral offences—(section 129 should be made applicable to all Government servants as recommended by Election Commission);

(xvi) disqualifications arising out of illegal practices—section 142);

(xvii) Removal of Disqualifications—how far condonations should be made retrospective—which authority should be vested with the power to condone and in which circumstances;

(xviii) Symbols and Power of Election Commission in connection therewith;

(xix) Disqualifications—(section 7)—apart from consequences of not lodging Election Return;

be considered and amendments allowed to be moved and made and also with instructions to report by the 30th November, 1955".

The motion was adopted.

Mr. Speaker: I shall now put the motion, as amended, in respect of the Representation of the People (Second Amendment) Bill.

The question is:

"That the Bill further to amend the Representation of the People Act, 1951, and to make certain consequential amendments in the Government of Part C States Act, 1951, be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri T. N. Viswanatha Reddy, Shri Venkatesh Narayan Tivary, Shri S. C. Deb, Shri Durga Charan Banerjee, Shri Ganesh Sadashiv Altekar, Shri Balvantray Gopaljee Mehta, Shri Gopalrao Bajirao Khedkar, Shri H. C. Heda, Shri Radha Charan Sharma, Shri B. B. Varma, Shri C. D. Pande, Pandit Balkrishna Sharma, Shri Rameshwar Sahu, Shri Nemi Chandra Kasliwal, Shri Awadheshwar Prasad Sinha, Shri Feroz Gandhi, Pandit Algu Rai Shastri, Shrimati Subhadra Joshi, Shri H. Siddananjappa, Shri A. M. Thomas, Shri C. Ramaswamy Mudaliar, Shri M. L. Dwivedi, Shri Mukund Lal Agrawal, Shri Bahadurbhai Kunthabhai Patel, Shri Shivram Rango Rane, Shri Nattur P. Damodaran, Shri Shriman Narayan, Shri U. Srinivasa Malliah, Shri Shree Narayan Das, Shri N. C. Chatterjee, Shri P. T. Punnoose, Shri Hirendra Nath Mukerjee, Shri M. S. Gurupadaswamy, Shri Sivamurthi Swami, Shri Amjad Ali, Sardar Hukum Singh, Shri Shankar Shantaram More, Shri Anand Chand and the mover, with instructions that matters other than those dealt with in the Bill, but relating to matters dealt with in the Representation of the People Acts, 1950 and 1951 (XLIII of 1950 and 1951) *e.g.*,—

(i) duties of Returning Officer, Presiding Officer and Polling Officer (sections 24, 27 and 28);

(ii) appeals from decision of Returning Officer on scrutiny of nomination;

(iii) election accounts—(section 44);

[Mr. Speaker]

(iv) functions of Polling Agents and Counting Agents—(section 49);

(v) ballot boxes and method of voting—(sections 59 and 63) —ballot boxes and method of counting;

(vi) Return or statement of Election expenses—

(a) whether it should be dispensed with?

(b) whether its filing should be before or after filing of election petition?

(c) whether it should be open to inspection before presentation of election expenses?

(d) whether there should be a ceiling?

(vii) definition of candidate [section 79(b)—specially having regard to the judgment of Supreme Court in Katpadi Election case];

(viii) procedure before Election Tribunal and Powers of Tribunal—(sections 88, 90 and 92)—and composition of Tribunal;

(ix Incriminating question—should there be certificate of indemnity—(section 95);

(x) claim for Recrimination—(section 97);

(xi) when petitioner in election case can claim the seat—(section 101);

(xii) withdrawal and abatement of election petition—(sections 108, 109, 110, 112, 113, 114, 115, and 116);

(xiii) corrupt practices—(sections 123 and 124);

(xiv) illegal practices—(section 125);

(xv) electoral offences—(section 129 should be made applicable to all Government servants as recommended by Election Commission);

(xvii) Removal of Disqualifications of illegal practices—(section 142);

(xvii) Removal of Disqualification —how far condonations should be made retrospective—which authority should be vested with the power to condone and in which circumstances;

(xviii) Symbols and Power of Election Commission in connection therewith;

(xix) Disqualification—(section 7) —apart from consequences of not lodging Election Return:

be considered and amendments allowed to be moved and made and also with instructions to report by the 30th November, 1955."

The motion was adopted.

INDUSTRIAL DISPUTES (BANKING COMPANIES) DECISION BILL

The Minister of Labour (Shri Khandubhai Desai): I beg to move:

> "That the Bill to provide for the modification of the decision of the Labour Appellate Tribunal, dated the 28th day of April, 1954, in accordance with the recommendations of the Bank Award Commission and for giving effect to the award accordingly, be taken into consideration."

As the hon. Members will recollect, I made a statement on the floor of this House on the 22nd August, 1955, announcing the decision of the Government to accept in full the recommendations of the Bank Award Commission on the substantive terms of the Bank Award. I also assured the House that necessary legislation to give effect to the recommendations will be undertaken as early as possible. The Industrial Disputes (Banking Companies) Decision Bill, which

actual period of the elections.

is now before the House, is designed to give effect to the Commission's recommendations.

As the House is no doubt aware, the banks dispute has a very prolonged and protracted career and surely the House does not want me to go into the details. It has a long history behind it. On a representation then made both by the employers and the employees it was decided by the Government of India that the banks' dispute should be made a Central subject. Before it was made a Central subject, as the House is aware, various State tribunals have given various awards and it has created certain confusion resulting in the request by both parties to refer their dispute to a Central Tribunal, which was granted. Unfortunately, the Tribunal which was called the Sen Tribunal gave an award but owing to some difficulties that had arisen which are of a technical nature that award was invalidated by the Supreme Court. After that the Government had to bring in a Bill to freeze the wages as it stood on that particular date in 1951. Again the dispute remained as it was and after the temporary freezing of the wages as it stood in 1951 the dispute was again referred in January, 1952 to another Tribunal known as the Sastry Tribunal. That Tribunal gave its award in April, 1953.

[MR. DEPUTY-SPEAKER *in the Chair*]

The award of that Tribunal was again referred by both parties to the Appellate Tribunal in appeal and the Appellate Tribunal gave its award in April 1954. Subsequently the Government thought that if the decisions of the Appellate Tribunal were carried out in full it might affect very adversely the credit institutions of the country and, therefore, the Government modified the award according to the information and facts which it could gather during that short period. But, again, the Government thought that it would be much better if the whole question is fully investigated by a Commission and it appointed a Fact Finding Enquiry Commission in 1954, about a year back, and the Commission was asked to go into the whole question very fully, collect as many facts as possible and in the terms of reference it was stated that considering the paying capacity of the banks as well as the requirements of the workmen working in the banks it must go into the capacity of the banks category-wise and class-wise as well as of individual banks and then it might give its recommendations. Justice Rajadhyaksha was appointed for the task and I would like at this stage to pay a tribute to Justice Rajadhyaksha who, in spite of indifferent health then, took upon himself the responsibility which had been entrusted to him. He made all the preliminary arrangements, issued the questionnaire and made the on-the-spot enquiry in the Travancore-Cochin area—which was a difficult area. He unfortunately died and the thread of the investigation was taken over by Justice Gajendragadkar. Justice Gajendragadkar has gone into the whole case with great care, diligence and I must say without losing any time, and I am also glad to say that the Commission got the full co-operation of the employers and the employees. The Reserve Bank also placed at the disposal of the Commission all the facts which were available to it. The banks also have co-operated very fully and in the presence of the representatives of both the sides the facts were sifted and the Commission came to certain conclusions. It was not possible to examine the incidence of the award on each banking company but the matter was left to the Commission to decide. The main issue before the Commission was to recommend, having regard to the facts ascertained by it and the need for ensuring an equitable treatment to bank employees consistent with the capacity to pay, the pay-scales for all the various classes of banking companies or individual units. The Commission sent out a detailed memorandum to about 120 banks and about 67 banks submitted the facts and figures before the Commission. The views of the local

[Shri Khandubhai Desai]

bodies were taken into consideration by the Commission before making its recommendations. The Commission examined the financial position not only of the individual banks in consultation with the employees and the management. It also took into consideration the position of the banks class-wise. It has also brought the two parties—the employees and the management—together, and tried to secure, as far as possible, a considerable measure of agreement. From the reports the hon. Members, will find that in the case of quite a few banks it has been able to make recommendations which had been agreed to by both the parties.

The report of the Gajendragadkar Commission containing its findings and recommendations was received by the Ministry last month. The Commission's main conclusions are that all class A banks and class B banks will be able to bear the incidence of the Labour Appellate Tribunal's decision. The Commission is in agreement with the Government's decision to create area IV in the interests of rural banking and has confirmed this area as well as the scales of pay and dearness allowance applicable to bank employees in the area. Government totally exempted towns of population 30,000 and less lying in Part B States and certain Part C States to which unlike other areas, this would have been the first award to apply. The Commission has limited the exemption only to the banks in Travancore-Cochin (except the Travancore Bank) for a period of two years. The Commission is in agreement with the view taken by the Government that a large number of banks in C class need to be relieved of the burden of the Labour Appellate Tribunal's decision and that the modified decision should apply to this class of banks. That means, about eight banks in C class area have been adjudged by the Commission as banks which have got the capacity to pay what the Appellate Tribunal has recommended. To the other banks, the decision, as modified by the Government, will apply.

As the House is aware, all these recommendations are contained in Chapter XI of the award. I would refer only to the more important recommendations. Subject to certain modifications, the Appellate Tribunal's decision should be restored with effect from 1-4-1954 in the case of all class A banks and all class B banks except the Bank of Bikaner and the United Bank of India. As far as the bank of Bikaner is concerned there has been an agreement between the employers and the employees. The tribunal's decision will also apply to eight banks in class C area, as I have already mentioned, and those eight banks are capable of bearing the burden as adjudged by the Commission. The change made by the Appellate Tribunal in respect of accumulation of unutilised medical relief up to the extent of three times the maximum amount allowed in a year is removed and this has been given as a matter of relief to the banks. But whatever money has been spent by way of medical aid would remain as such, and the amount would not be accumulated. The provision for the creation of an additional area (area IV) as per Government's modified decision, together with the wage structure and dearness allowance prescribed for the new area, under Government's modification, is confirmed. The total exemption from the application of the award to areas with 30,000 or less population in Part B and Part C States allowed in the Government's modified decision is not acceptable to the Commission. According to the Commission, the exemption should be limited to such areas in Travancore-Cochin only. The exemption recommended for Travancore-Cochin banks should be for a period of two years. Meanwhile, the Commission has recommended that the Government should appoint a Commission, as early as possible, to review the entire system of banking in the Travancore-Cochin area.

The scales of dearness allowance prescribed by the Appellate Tribunal for clerical and subordinate staff are more liberal than what has been granted under the Sastry Award. It is felt that the dearness allowance and other allowances as recommended by the Appellate Tribunal should be accepted. In respect of branches of the banks in class IV area, the recent Government modified decision will continue to apply, that is, in the two banks which I mentioned earlier.

In regard to class C and class D banks other than those mentioned already, and a few which have entered into an agreement with their employees, displaced banks and banks in Travancore-Cochin (except Travancore Bank), the rates prescribed by Government will continue. In the matter of adjustment of dearness allowance for variations in the cost of living index, the Commission has recommended a revised formula of adjustment, namely, that any increase or reduction in the dearness allowance for a rise or fall of ten points should be worked out on the basis of a fixed percentage of dearness allowance admissible at the index level of 144. According to the Appellate Tribunal's decision, the adjustment has to be worked out as a certain percentage of the basic pay *plus* house-rent allowance. According to the Commission, this method would have led to certain anomalies, and so, it has suggested more or less a simple formula which is acceptable both to the bankers as well as to the employees. It has been very clearly worked out in the report itself—the two decisions—and it will show that the burden, either on the banks or on the employees, will be very insignificant.

The United Bank of India should implement the Sastry Award as a class B bank with effect from 1st August, 1955 subject to certain conditions. Its financial position should be reviewed by a tribunal not later than three years. Then, certain banks and their employees have made an agreement and it has been confirmed by the Commission. These banks are: Indian Bank, Bank of Bikaner, Jodhpur Commercial Bank, Salem Bank, Vysya Bank, Bharatha Lakshmi Bank and Pandyan Bank. In the case of the Indian Bank, the Commission has recommended ratification of the agreement entered into between the management and the employees in regard to the promotion of the bank from class B to class A as from 1st January, 1956.

In considering the Appellate Tribunal's decision regarding the wage structure and dearness allowance, the Commission has referred to certain principles enunciated by the Fair Wages Committee set up by the Government. According to this Committee, while the lower limit of the fair wage must be the minimum wage, the upper limit would be set by what might be broadly called the capacity of the industry to pay. Having enunciated this principle—it has discussed the principle and the theory in the report —the Commission made an attempt, after finding out the facts of the case to apply this principle towards evolving the scale of pay for the bank clerks as well as the subordinate staff. In that application, it came to the conclusion that the Appellate Tribunal's decision is substantially such that it can be applied without burden on the industry. While considering this principle, it must be borne in mind that banking is not in a sense an ordinary industry. It is an industry which depends upon various economic activities for its working. While judging the pay structure or the capacity of the bank to pay, we have also to consider, and the tribunals have taken into consideration the interests of the bulk of the people who are depositors. Today, as far as our banking system is concerned, it has got a deposit of nearly Rs. 1000 crores. Whatever decision either the court or the Government will take, will not only affect the shareholders of the bank either for good or evil, but it will also affect the interests of, as we know, a large number of depositors who are not all very rich

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people. Many middle class people also have put their savings in the banks. That has also to be taken into consideration in deciding the wage scales for the bank employees.

In deciding this question of capacity to pay of classes of banks as well as of individual banks, into which the Commission has gone very meticulously, it has proceeded on the assumption that the decline in banking business which was arrested in 1954, has shown a little spurt. As we know, the Commission has got figures which were not available when the Government modified the award. It has got figures subsequent to 1954, not only up to March 1955, but as the Commission has said, it has been able to collect figures up to June 1955. These figures showed that there is a recent rising trend in banking deposits and business with the result that it could project into the next 2 or 3 years.

As a result of the Commission's recommendations regarding restoration in the case of all A class banks, all B class banks and eight C class banks, all employees of these banks will be benefited except such of those who work in branches in Class IV areas. In Class A and Class B banks alone, the persons likely to be benefited will be about 48000. For the workers concerned, this would mean an additional payment during 1955 of about Rs. 55 lakhs. It will go on increasing during the next 2 or 3 years.

The Commission has also recommended that adjustment of scales of pay should have retrospective effect, as I already promised in this House, as from 1st April, 1954. The implementation by the banks, however, will be phased over a period so that payments are made in three instalments. Forty per cent of additional emoluments due to the employees in 1954-55 should be paid by 31-12-55, 30 per cent by 30-6-56 and the balance of 30 per cent by 31-1-57. The Commission has agreed with the Government's decision that if on implementing the modification order, an employee's total emoluments are less than those received by him for March 1954, the reduction in emoluments should not be given effect to at once, but should be recovered in three annual instalments beginning from 27-8-55. The Commission has also recommended that the banks should be allowed to adjust the increments due to employees and that the first cut should be effected from 1-4-55. The employees, however, should not be required to refund any amount received by them already as a result of the Government's decision. According to the Commission, the Award is to apply to banks with effect from 1st April 1954.

It is hoped that the decision taken after such a prolonged litigation should hold the field and thereby reduce chances of conflict for a period of time. Government accordingly propose that the Bill should be effective for the next five years. As the House is aware 1½ years have already elapsed. If we make the Bill only for three years, only 1½ years remain. We want to give some permanency at least for a few years and so we have decided that the award should apply for the next five years, up to 1959.

It is likely that some doubts may arise regarding interpretation of all these three awards. As you know, the first Award is the Appellate Tribunal's Award. The second is the modification by the Government. The third is what we are passing today. All these decisions are inter-related to each other. In order that there may not be any difficulties or any further disputes, we have decided that any question may be referred to a tribunal or to a judge notified by the Government, in order to interpret the various decisions in these three awards. As you know, this has been a prolonged dispute. I have never seen in my whole life as a trade unionist any dispute that has more or less been prolonged for nearly a quarter of a generation. As far as this particular Award is concerned, I think both the parties should accept the decisions of the Gajendragadkar Commission with grace and generosity. When a Commission of this sort is looking into the disputes in such a delicate credit institution as banking, it is likely that all the parties, or all the employees or even the banks who are engaged in this delicate business may not have got what they wanted. But, in the nature of this dispute, such decisions are bound to prevail and must prevail. Both the parties must take this particular dispute as ended by the Gajendragadkar Commission and the decision should be taken, as I said, with patience and grace.

Shri Kamath (Hoshangabad): As Government has done.

Shri Khandubhai Desai: Of course, we have accepted *in toto* the recommendations of the Gajendragadkar Commission. I would also say that during the course of the last 8 months or so when the question was being discussed, debated on merits before the Commission, both the parties very sincerely co-operated with the Commission and the Commission had also given them full opportunities to cross-examine each other and ascertain facts, in order that the Commission may make up its mind. At one stage, Shri Gajendragadkar also tried to see if both the parties can suggest to him an agreed solution to all these problems. But, except in the case of a few banks which I have already mentioned, it was not possibe to make them agree to a particualr scale of wages and dearness allowance.

Shri V. P. Nayar (Chirayinkil): It is stated by the Commission that in confidence, certain facts and figures were disclosed to them, which were not shown to the workers. Does the Minister say that all the figures were shown?

Shri Khandubhai Desai: All the facts which were necessary, which were relevant for the purpose of adjudicating or coming to a conclusion with regard to the scale of wages and dearness allowance were there. There is, of course, certain confidential information which the banks were asked to supply to the Commission, which the Commission have got and which has been given to the Government. There is certain confidential information which the Reserve Bank has also got and which has been given in confidence to the Commission. The Commission in making their recommendations have taken all these facts into consideration.

Shri N. Sreekantan Nair (Quilon *cum* Mavelikkara): May I know how this House is excluded from these documents?

Shri Khandubhai Desai: Both these reports are there. The first volume contains the recommendations. There is Volume II of the report which gives all the statistics as are available from the balance-sheets and the figures collected. There may be some information which by its very nature, in an institution like banking, would have kept secret. And I think the House will also agree with me that in a credit institution like a bank, all the information and facts with regard to the loan that has been given out to some person or the capacity of the loanee to pay back that amount should be kept, as far as possible, secret because if that information is made public, naturally there would be a run on the bank and the depositors and the whole bank will get into trouble. So, those facts naturally were not disclosed to the employees or to the representatives of the other banks also, because when the full question was discussed before the commission, individual banks came, but the representatives......

1 P.M.

Shri N. Sreekantan Nair: Are they available for our study here?

Shri Khandubhai Desai: I do not think so, with all respect to you.

[Shri Khandubhai Desai]

There was one aspect which I would like to mention and which the commission has put in its report very squarely. There was a feeling among the bank employees that there were large amounts of secret reserves which has not been disclosed.

Shri V. P. Nayar: They know better.

Shri Khandubhai Desai: No. But the commission after seeing the details, came to the conclusion that the secret reserves are very insignificant, but even while judging the individual capacity of the banks to pay both class-wise as well as bank-wise, those figures have been taken into consideration, and it is because of those figures that it had got that the Commission came to the conclusion that as far as A class and B class banks and eight banks in the C class areas are concerned, they can be governed by the appellate courts tribunal. It is because of those figures and the action and inter-action of the appellate courts before it that they came to the conclusion that by and large the situation had improved to such an extent after 1954 that it could be safely recommended that the appellate tribunal's decision could be applied, and it covers, as I said, about 48,000 of the bank employees who will get roughly an additional amount in their pay packet of not less than Rs. 55 lakhs.

This is all that the Commission has said in the report. The reports are there before hon. Members and I would commend this Bill to the House.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to provide for the modification of the decision of the labour Appellate Tribunal, dated the 28th day of April, 1954, in accordance with the recommendations of the Bank Award Commission and for giving effect to the award accordingly, be taken into consideration."

There is an amendment to this motion standing in the name of Shri N. Sreekantan Nair *prima facie* it appears to be a dilatory motion, but anyhow......

Shri N. Sreekantan Nair: It is a very serious motion.

Mr. Deputy-Speaker: I know it is a serious motion, but it is only calculated to put off giving effect to the award. I think a number of other people are impatient.

Shri N. Sreekantan Nair: I have got very solid reasons to advance.

Mr. Deputy-Speaker: What I shall do is this. I do not want to decide it myself. Therefore, I will leave it to the House to decide.

Shri N. Sreekantan Nair: But hear my reasons for it.

Mr. Deputy-Speaker: I am going to allow the House to decide. I will give an opportunity to the hon. Member to speak on this. Therefore, Shri N. Sreekantan Nair's amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th November, 1955, also will be taken as moved. Both the motion for taking the Bill into consideration and the amendment for circulation will be before the House for discussion. I will give Shri N. Sreekantan Nair in due course an opportunity to speak both on his amendment as also on the original motion. Shri Giri.

Shri N. Sreekantan Nair: Excuse me. Sir. As one who has moved this amendment, I naturally must get the first chance.

Mr. Deputy-Speaker: Who said so?

Shri N. Sreekantan Nair: That is the procedure that has been followed till now.

Mr. Deputy-Speaker: I am also aware of the procedure. I do not want to dismiss it so easily, but hon. Members are aware that this is only one amendment. There may be a number of amendments, some for circulation. some for Select Committee and so on What we do is, we allow them or treat all of them as moved and then call the hon. Members one after another. Of course, hon. Members can claim that there have been certain cases where a number of such amendments had been moved and I was not able to call upon all those hon. Members who had moved such amendments either for circulation or Joint Committee to speak. It also happens. In this case it will not happen because there is only a single one for circulation. Therefore, as far as I am aware, there is no such rule that the moment an hon. Member moves an amendment he should be called. I will put it before the House. It is moved. I will give him in due course a chance.

Shri Kamath: On a point of clarification, if this motion of Shri Nair is accepted, then clause by clause consideration will be barred.

Mr. Deputy-Speaker: Certainly. When it goes into the country at large, it will come back later on. Clause by clause consideration is shut out. It will go, gather moss and come back.

Shri V. P. Nayar: That will be some unnecessary labour.

Shri N. Sreekantan Nair: Sir, I may formally move it.

I beg to move:

> "That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th November, 1955."

Mr. Deputy-Speaker: Amendment moved:

> "That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th November, 1955."

Shri Asoka Mehta (Bhandara): I would like to know how much time we are going to devote to this—my information is it is 4 or 4½ hours—because there is very little to discuss in the clauses. The real meat of the matter is in the general discussion.

Mr. Deputy-Speaker: There are some amendments by Shri V. P. Nayar and others.

Shri Asoka Mehta: We jointly discussed it; that is our joint suggestion.

Mr. Deputy-Speaker: The only point is whether we shall have for the general discussion 4 or 4½ hours, because there is clause-by-clause consideration and also some boquets will have to be exchanged at the third reading.

Shri Kamath: Brickbats, too.

Mr. Deputy-Speaker: Therefore, if hon. Members are willing we will have four hours for the general discussion, one hour for the other two stages—clause by clause about half an hour and then the other half an hour for just congratulating one another.

Four and half hours for general discussion. The amendments are very few in number. Evidently, they do not want any third reading.

Pandit Thakur Das Bhargava (Gurgaon): We want to speak on the clauses also. Four hours for general discussion, one hour for the rest.

Mr. Deputy-Speaker: If we are not particular about the third reading, I will allow 4½ hours. They can not only speak on the general discussion, but also whoever now has an opportunity to speak, can speak upon the clauses also, the amendments to the various clauses. They need not speak again unless they want to contribute newly.

Shri Asoka Mehta: Four and one is all right.

Shri V. V. Giri (Pathapatnam): I rise to make a few observations on this important Bill relating to the bank award.

I desire to take the opportunity of congratulating the Government for taking courage in both hands and accepting the illuminating award of Justice Shri Gajendragadkar. While the country mourns the untimely and the unexpected demise of that great jurist and arbitrator, Shri Rajadhyaksha, an eminent jurist, his successor, has presented the country with a monumental document which will certainly go down, which will

[Shri V. V. Giri]

certainly take the price of place in the history of industrial relations in this country.

Having said that, I am bound to place before you that the employees of the various banks feel certain anomalies have cropped up, apart from the doubts that may be raised, that may be felt the matter of the various provisions of the award. Unless these doubts, difficulties and anomalies are understood, and unless Government give an opportunity to the bank employees, and even the employers, to put forward their views before the commission indicated in this Bill, much frustration may result. It is generally accepted as a convention internationally that whenever and wherever workers in a certain industry have enjoyed certain conditions which are more favourable than the conditions given under an award, the latter should not be thrust on them, because that would affect the standard of living of the workers who have been enjoying such privileges. At any rate, the existing employees who have been enjoying these privileges should not be interfered with. It must be remembered that in our country, there is no question as yet of a living wage, not to speak of a fair wage. Sometimes, there is not even a minimum wage, but only a subsistence allowance.

Shri Velayudham (Quilon *cum* Mavelikkara Reserved—Sch. Castes): There are no standard wages.

Shri V. V. Giri: Under those circumstances, I am sure Government will take this matter into consideration.

It has become a pernicious practice in our country that whenever the question of economies in industries arise, the employers, without thinking of all other aspects which they ought to consider for reduction of expenditure, straightway think of retrenchment of workers and interfering with the standard of living of the workers, which is already low. When we therefore talk of a socialistic pattern of society which would result, if we do not care to think of the aspect that I have put forward, we may have only a capitalist socialistic pattern of society rather than a socialist socialistic pattern of society.

Shri Kamath: It will be submerged under capitalism.

Shri V. V. Giri: Therefore, I appeal to my esteemed friend the hon. Labour Minister to consider these aspects of the matter.

In the matter of the period for which the award should continue, I would like to place before the House the view that the general period of one year should be kept up in this case also; but if there is any difficulty, it may be at the most two years. Though the financial *pandits*, the bankers and the financial experts told us when the Sen Award was passed, that the banks may collapse if the award was put into effect, and similarly our friends have stated when the Jeejibhai Award came up for consideration before this House that the banks would close down and that the banking system would receive a rude shock if that award was put into effect, I am very glad that those financial experts and *pandits* were not correct. They proved themselves to be bad prophets.

Shri Kamath: You have been vindicated.

Shri V. V. Giri: I would like again to say that I would be the same good prophet, if I say that the banks will rise from prosperity to prosperity, especially when the Second Five Year Plan which emphasises on industrialisation to the tune of many crores of rupees comes into being. I therefore beg of the hon. Minister to stick to the rule of the law, namely that if after a year it became necessary, the employees and the employers should be allowed to have their say on the matter, and not be gagged on account of some laws which we are enacting now. I am safe when I say that the prosperity of the banks will be kept up in such a way that there shall be no room for any fear at all either on the part of Government or the bankers to feel that any doubt of any kind would arise. I am absolutely certain about that and I shall be equally a good prophet on this issue.

At the same time I must tell the workers of the banks that unless they know their mind fully, not only about their own conduct, but about the way in which the banks should be run, there is no hope either for the country or for the banks. I must also tell the workers that their salvation does not lie through the sympathy of the Members of this House or through the sympathy of the public, though they are all necessary.

Shri Kamath: Not even of Government.

Shri V. V. Giri: But their strength, their vitality, and the solution to their problems depend entirely on themselves. I have always said—I repeat it from this House—that workers in every industry must build their unions in a systematic and scientific manner and with hundred per cent membership, so that the employers may know that their grievances have to be heard and conceded. They should insist on a joint standing machinery at every level of the industry, so that this adjudication, which I have always considered to be enemy No. I which should be thrown out of the statute-book, may not remain. So long as the workers are not strong, are not united, have not got one union in one industry, have not got technical experts who can deal with the employers' experts in the technique of the financing of industry, it will not be possible for them to succeed. Bank workers are intelligent, and are very able, and therefore, they should set an example to other employees in other industries to build their organisations in a strong way. At the same time, I must make the bank workers understand that they must respect the constituted authority, that they must do a good day's work for a good day's wage, that they must think in terms of their duties and responsibilities first so that their privileges and rights would follow. They must digest all these matters in their minds in such a way that they, as organisations, should be in a position to set an example to other unions in this country or elsewhere.

I do hope, therefore, that Government should allow the employees' associations to appear before the Commission and put forward the anomalies from which they suffered and which affected their standard of living and secondly see that the normal period of the award should not be more than a year, or, if it were found necessary, at the most two years. I am absolutely certain that very soon the employees will be in a position to prove that the banks are in a prosperous state, and therefore their wages should be raised.

I find that reference is made to the capacity of the industry to pay. I would refer in that regard to the position of the State Bank of India, which now belongs to the public sector, The public sector must be in a position to put itself as an ideal before the private sector. I am told that the Imperial Bank was in a position—that was the view of the Bank Award Commission—to implement the award without any loss. If that were so, certainly the Imperial Bank should have been taken out of the list of banks which would find it difficult to implement the award. Even as regards the other banks, I beg of Government to allow the employees to place their full case before the commission as regards the anomalies or doubts that arise in regard to interpretation.

I do not wish to take much of the time of the House. I am sure there are many hon. Members who would go into the details, while most probably I have stated only certain principles.

Shri Asoka Mehta: The Bill that has been moved for consideration by the hon. Labour Minister is a simple and short Bill. But unfortunately, the issues behind it are neither short nor simple. There has been a long drawn out controversy to which the hon. Minister has drawn our attention. This process of adjudication has been going on so long, and it has been so complicated, that in the process three of the adjudicators are no longer with us today.

Naturally, we all mourn the death of Justice Rajadhyaksha, who, as the Labour Minister pointed out, inspite of his indifferent health undertook the responsibility and laid the foundations on which Justice Gajendragadkar was able to conclude his labours.

Sir, in the Statement of Objects and Reasons, it has been said that in making the modifications the Government were necessarily guided by the material available at the time and it was considered desirable to collect more complete data and to have the matter investigated further in the light of those data. I think an effort is made to slur over the facts as they were then. I wish the Government last year had accepted the decision of the Labour Appellate Tribunal, or if the decision was to be modified, it had been referred to an independent authority. But that was not done. The decision of the Labour Appellate Tribunal was modified by the Government and I am afraid no further steps would have been taken but for the fact that the bank employees on the one hand set in to organise a big strike, a nation-wide strike, and on the other hand, and that was even more important, our veteran trade union leader, Shri Giri, resigned on this question. It was his resignation that made the Government refer this question to a fresh Commission. Government as far as they were concerned had already made up their mind; I wonder if the Government have been willing to refer this matter to a Commission if Mr. Giri had not resigned. That is an important fact: that is a very important fact, because we do not want these things to be repeated.

There was a decision of the Labour Appellate Tribunal and that decision was modified by the Government. This very question has been gone into in all its bearings by the Bank Award Commission. This report is a model and a masterpiece. On many controversial questions, on many complicated questions connected with labour policy in our country for the last eight or nine years we have been cutting our way through the wood as it were. We have been trying to build a path for ourselves. A large number of adjudications, a large number of tribunals, have been appointed; a large number of awards are available and various committees and commissions have also reported. I too had the privilege to work on some of these committees with my hon. friend the Labour Minister. But I find that at no time was an effort made, no one had succeeded in resolving all the new questions that have come up, bringing them to a common focus, bringing to bear on them a clarity of outlook and a sense of logic and profound social understanding that Justice Gajendragadkar has brought to his labours.

This particular report therefore is to my mind of far-reaching importance. While I congratulate the Government for accepting the recommendations of this Commission, I would like to find out from Government, whether they are prepared to accept the reasonings of the Commission. It is not enough to accept the recommendations. The recommendations, to my mind, are perhaps the least important part of the report. Those of the Members—and I am sure you also would have gone through it—who have gone through this report will bear with me when I say that the recommendations are perhaps the least important part of the report. The whole report places before us, the point of view, the perspective, the framework, from which the entire labour policy in this country is to be viewed and I was hoping that the Labour Minister would tell us whether this whole approach is being appreciated and accepted, or are we merely to accept the recommendations and once again continue to fumble and tumble in the jungle in the manner in which we have been doing so far.

Here is a man who has come as a path-maker, who has cut out a brilliant path for us. Do we accept the path, or do we merely accept his recommendations in an isolated dispute? He has pointed out there, that it was wrong on the part of Government to have modified the award. On page 21 he has said that if any alterations are to be made in an award it should be made by an independent judicial authority. Does the Labour Minister accept that?—that in future he will not exercise his power, that this Government will not exercise the power to modify the awards and that in case Government feel that a particular award needs to be looked into, it will be referred to another judicial authority? Are the Government prepared to tell us here that the power of modification will be exercised only in accordance with the ascertained wishes of a competent judicial authority; that there will be no kind of executive interference with judicial decisions? Now that is a point which has been brought out, and brought out effectively in the early portion of this report by Justice Gajendragadkar.

Now I was hoping that the Labour Minister would have something to tell us. The House will recollect that last year I objected very strongly to this modification. There are colleagues of mine here who desire modification of awards in favour of workers; there are other colleagues of mine here—they are absent today, unfortunately,—who would welcome modifications in favour of the employers. But I have believed and I have said more than once that this modification should never be exercised by an executive authority. It should be done only in accordance with the decision of a competent judicial authority. I am glad to find that Shri Gajendragadkar has supported that contention with relevant legal authorities, with relevant opinions of the highest tribunals, not only in our country but in other countries of the world and I would like the Labour Minister to tell us what is going to be the policy of Government on this question.

Then, this particular report has three outsanding characteristics. Firstly, there is a remarkable fidelity to first principles; secondly, there is a refreshing independence of outlook and judgment and thirdly there is an informed analysis and prognosis.

Now, I would like to say a few words about this remarkable fidelity to first principles. Here is a distinguished judge, an ornament of the Bench, who has taken our decision to plan our economy on a socialistic pattern seriously. He has taken it far more seriously than the Treasury Benches opposite. He has taken far more seriously than most of our members on this side who delight to speak about it.

Here is a decision that this House has taken. I am not worried about any decision that the Congress might have taken. This House last year deliberately, and after very detailed consideration of our economic policy came to the conclusion that we must reorient and reorganise our policy on socialistic lines. Therefore Justice Gajendragadkar has asked: "What is the policy, the labour policy of the Government? Is it moving in the socialist direction?"

An Hon. Member: Socialistic pattern.

Shri Asoka Mehta: If you want to use an ugly phrase, you can use it, But your own leader has said "socialistic pattern" means "socialism".

At page 23 of the report the implications of the socialist pattern has been brought out—I shall not read it

[Shri Asoka Mehta]

Then, a very important contribution has been made as to what is our conception of law today, and when social changes take place, what is to be the position of law. He has pointed out that no longer can we depend upon the outmoded ideas of Dicey. There has got to be a rule of law. Democracy means a rule of law but not the rule of law as understood by Dicey which was grounded in the philosophy of *laissez faire*. Naturally, a different approach to law is necessary, law in the context of social change. He invites our attention to this and wants us to transfer our allegiance from Dicey of the 19th century to Friedmann of the 20th century. He has told us how there are available today authorities. Unfortunately, we like to remain in the past. We like our ideas to be shaped by the authorities of the past. Here is Justice Gajendragadkar who tells us that our whole approach to law has got to change. This is very important because in this question of industrial disputes, over and over again, legal questions and legal quibblings are brought forward. And, unless it is realised that the law has to be conceived in the context of social change, that there has got to be a dynamic interpretation of law itself, there can be no justice done to the working classes. That is why, on this point, the Commission has categorically said that we must move away from the outmoded ideas of Dicey and authorities like that to the contemporary authorities like Friedmann and others.

The third thing is what should be the basis of wage policy. I was a member, with my hon. friend the Labour Minister, of the Fair Wages Committee. We had tried to formulate there certain principles of wage policy but I feel that these formulas are outdated because the whole question of wage policy is being analysed the world over so rapidly and so thoroughly that what we had to say 4 or 5 years back is today no longer relevant. The Gajendragadkar Commission suggests that we should accept as the basis of our wage policy Mrs. Barbara Wooton's philosophy of social foundations of wages. There is today an authoritative contribution to the subject of wage policy made by Professor Barbara Wooton, where she has pointed out that the wage policy has to be conceived in its social context and on its social foundations. You cannot have a wage policy apart from social foundations on which you want to build up the whole superstructure. This approach to the wage policy has been lacking so far. We find Pay Commissions and Wage Commissions. Every few weeks we hear that some committee or commission is going to be appointed. Today also the Labour Minister has told us about the appointment of a Commission for Travancore-Cochin Bank employees. But, what is going to be the perspective of our wage policy? Justice Gajendragadkar enunciates the principle that fair wage must have a priority over profits. This principle is not something which Shri Gajendragadkar alone propounds; this is the basic principle in Australia; this is the basic principle in a large number of countries, that fair wage must have priority over profit. Do we accept that this is the meaning of the socialistic pattern of society? And, that it is the very foundation on which the recommendations of this Commission are based. Do we accept that foundation?

An Hon. Member: Priority over profits; where does wage come?

Shri Asoka Mehta: The principle that fair wage must have priority over profit has been enunciated by Justice Gajendragadkar on page 32 and I shall invite my friend to look it on that page. I shall not be able to improve upon the reasonings of Justice Gajendragadkar.

May I point out the attitude taken up by the bankers? This report is of a monumental character because it has analysed the attitude of the bankers in this whole controversy. The bankers never believed in the policy of freezing as was done by the bankers in the United Kingdom in the war years. They distributed large profits that were made during the war years and these large profits were permitted to increase dividends. The dividend rate has been going up and now the bankers come forward and say that unless they are permitted to maintain the inflated dividend rate that they have been paying during recent years, their credit-worthiness would suffer.

Then I come to the structure of executive cost. If you look at tables 18, 19 and 20, you will find as to what is the cost of the executive, particularly the summit salaries. I would like only to read one sentence about this. The whole report abounds with quotable quotes but I shall not go into them. In paragraph 83, this is what is said:

> "It was found that in the case of bigger banks and even some smaller ones, the remuneration paid to the top executives was out of proportion to the remuneration paid elsewhere for jobs of comparable responsibility."

The banks have been in the habit of paying their top executives remunerations which are disproportionate, out of proportion to jobs of equal responsibility held in other branches of our economy. They want to maintain this inflated and exaggerated out of proportion cost and summit salaries. They want to perpetuate. them, On the other hand the bankers argued that they had no capacity to pay. What were ultimately the basic assumptions of the Bank? You will find those basic assumptions stated on page 54. On page 54, the Commission says:

> "The resistance of leading banks to pay a fair wage to employees appears to stem from their desire to protect the structure of executive costs and remuneration to capital based on conditions which no more existed. With the adoption of the objectives of a socialistic pattern of society, there is a *prima facie* case for bringing about a redistribution of earnings between capital, executives and labour."

It is the pattern of distribution which is of basic importance and it is this pattern that the bankers are opposed to changing and it was to safeguard this pattern that the Government of India had thought it proper to modify the decision of the Labour Appellate Tribunal. It needs to be noted and underscored that it was this iniquitous pattern that the Government of India tried deliberately and want only to protect last year and which protection was removed only by the supreme and heroic sacrifice made by our leader Shri Giri on one side and also the great resistance shown by the bank employees on the other.

May I point out that the banking industry in India is the cheapest in the world? Our textile industry is the cheapest because we starve our cotton growers. Our steel industry is the cheapest because we starve our miners; our banking industry is cheapest because we starve our bank employees. It is a remarkable kind of economy where cheapness is brought about by starvation of those who work in it. There are no service charges in our country as there are in other countries of the world, where those who use the banks have to pay service charges. We want to render all kinds of services to our customers. I am very happy but surely these services should not be rendered by depriving the employees of the elementary needs of life. I am merely quoting from this report. I am not straying even a little from the able and exhaustive analysis of Justice Gajendragadkar.

Difficulties were raised about depreciation. The bankers argued that they have a very risky business which calls for depreciation because of fluctuation in the prices of securities. Now, I would like to invite your attention to page 134. On page 134,

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you will find paragraph 261. This says:

> "In this connection it appears that as early as 1948, the Reserve Bank of India had advised scheduled banks to gradually switch over from long-dated to short-dated securities, as, considering the nature of banking business it was in their best interest to have as large a portfolio of short-dated securities as possible. From the figures of investments of banks published by the Reserve Bank of India it appears that the majority of banks heeded this advice with the result that the bulk of investments of scheduled banks gradually shifted from longer-dated to shorter-dated securities. Banks which had so acted found very little difficulty when, following the bank rate change, there was a steep decline in the security values. Those banks which persisted in holding longer-dated securities suffered heavy depreciation and it is they who have repeatedly told me about their difficulties."

The classic criminal was the Central Bank of India and it was the Central Bank of India which prevented, it was the Central Bank of India which brought pressure upon all concerned to modify the Award. Why did the Central Bank do it? Because the Central Bank refused to take the advice given by the Reserve Bank of India in 1948, a bank which deliberately ignores the advice given by the Reserve Bank is to be pampered, is to be protected, is to be looked after at the cost of the bank employees. The Government of India thought it proper to run to the rescue of a culprit bank like that but not to tell the Bank that it had ignored the advice that it was not proper to sacrifice the interests of the bank employees, in order to safeguard the interests of a bank which had cared for its selfish interest perhaps much more, than the national policy suggested by the Reserve Bank of India.

The question has been raised of privilege. Some of the figures are privileged and I am surprised to find that the Labour Minister also supported it when the question was raised from this side. Justice Gajendragadkar is sorry that the question of privilege has been raised. He would have liked to go into this question thoroughly, but he said "I do not want to delay my deliberations; I do not want that for this question my finding should be delayed unnecessarily, but the Government should go into the matter." Do we accept this question? There are certain figures with the Bank which are privileged and which cannot be shown to the employees, which cannot be shown to the Members of Parliament, which must remain in the exclusive possession of the bankers on the one hand and the Treasury Benches on the other. I do not agree. There is nothing privileged about the figures of the Bank and the Gajendragadkar Commission was shocked when the question of privilege was raised before it and I hope that the Labour Minister would have been equally shocked by this kind of baseless claim of privilege made by the bankers. Even now it is not too late and I hope the Labour Minister, in consultation with his other colleagues, will make it possible for this House to know, if not today, at least after a week, a month or even two months and see that the screen has been lifted, that the iron curtain has been removed and that we are permitted to look into every portion of the working of the Bank to the same extent as the Gajendragadkar Commission, as Shri Khandubhai Desai and as Shri Abid Ali have been permitted to look into. The decision was published on the 28th April 1954 and Government's order for modification was passed on the 24th August 1954. What was the result of the decision? Even under the Labour Appellate Tribunal's decision, the emoluments of 12,418 employees or 22.1 per cent of the employees stand to lose. The Labour Minister was anxious to invite our attention that so many people will gain. He should also have pointed out that 12,418 employees, even under the Gajendragadkar Commission's report, would lose or that their emoluments will be curtailed. If the Government's decision stood, of course the cut would have affected many more people. The impact of charts on pages 32-33 of Vol. II brings out the full implications of this. This modification tried to curtail the benefits and introduced area 4 and area 5. Particularly what the Gajendragadkar Commission called area 5 was introduced on the assumption that the B States are not adequately served by banks. The Gajendragadkar Commission has shown that A States and B States are either equally well served or ill served and there is no difference between the two. Government was not even advised of these points correctly, leave aside anything else, on a matter as to what is the position of banking in the different States of the country. Government with their massive secretariat behind them was ill-informed and, therefore, they introduced area 5. There is no scope for area 5, as the Gajendragadkar Commission has shown. Both the assumptions that were made were wrong. It was argued that branches would close down, that banking offices would close down. But what is the result? We have found that offices have increased in the last one year from 2725 to 2807. The expansion is going on. Now we are told, as the *Eastern Economist* argues, that all this is very well, this is wisdom which is coming to you in the light of the events that have taken place:

> "Hindsight is as commonplace as imaginative foresight is rare...... The event in question is the sudden return of vitality to India's banking system. After many years of stagnation within twelve months, demand and time liabilities of banks have risen by something like Rs. 100 crores."

It is said that the Government had taken all the facts into consideration and they had arrived at their decision, but sudden developments could not be anticipated. That has made it possible today for us to modify the decision that the Government had taken. I say that the facts belie any kind of statement like that. My friend, the Labour Minister, tried to exonerate the Government from taking a wrong decision last year. We on this side cannot allow this opportunity to pass because we have got to make it clear that the Government either erred out of ignorance which is inexcusable or Government erred out of preference and prejudice in favour of the vested interests, which is even more inexcusable. If you will give me a few minutes, I hope to prove to your satisfaction on the basis of authoritative reports that the Government had full information before them, but they either permitted themselves deliberately to be misled by the Reserve Bank and by the bankers or they tried to mislead the country.

Shri Algu Rai Shastri (Azamgarh Distt.—East *cum* Ballia Distt.—West): That is incorrect. 100 per cent.

Shri Asoka Mehta: Because you do not bother to read; you are a blind follower and not an intelligent supporter.

Shri S. S. More (Sholapur): All this will be construed against you, Sir.

Shri Algu Shastri: It is against me.

Shri Asoka Mehta: Today the total deposits have touched Rs. 1,000 crores, an increase of over Rs. 100 crores in the last one year. In regard to the position of the banks today, I should like to read out briefly what the *Tata Quarterly* has to say:

> "Although currency notes have crossed a peak in the Indian Union, demand deposits (which are also called deposit money) are still to reach their 1951 peak. The main point, however, is the trend, which is unmistakably upward. It was this trend which

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primarily had made 1954 a very favourable year for banks and 1955 portends to be no less favourable. A peculiar feature is that time deposits (which are not reckoned in as money) have grown at a faster pace than demand deposits, with the result that in 1955 the total deposit liabilities of scheduled banks are significantly higher than at any time since 1949. In the first quarter of 1955 which was a 'busy' period, deposits increased by 9 crores and in the next three months there was a further astonishing increase of 48 crores. Apparently, banks are in the happy position of having not merely good demand for their funds but also the funds with which to meet the demand."

Here is a remarkable development of banking in our country. We are told that this was something that happened suddenly and there were no indications. May I draw the attention of the Labour Minister and you to the publications of the Reserve Bank themselves, the *Trend and Progress of Banking in India*, 1953 and 1954, and the Report of Currency and Finance—particularly page 4 of the *Trend and Progress of Banking* in India, 1954, and page 37 of the *Currency and Finance*, 1954-55? If you will go through these, you will find that as early as April last year, the indications were there. I shall briefly point out to you the indications there.

Firstly, the volume of deposit liabilities steadily increased during the first eight months of 1954 and further the volume of deposits of any month, since February 1954, was greater than that of the average of months in 1952-53 and 1953-54. Both demand and time liabilities participated in this increase.

Secondly the cheque clearance demand deposit ratio of 1953 was higher than that of 1952 and in 1954 it reached the record level of 1951. That is, velocity of circulation of deposit money, which is an index of the speed of business turnover has been increasing since 1953.

Thirdly, the busy season of 1953-54 was characterised by a large measure of credit expansion than in the two preceding busy seasons.

Lastly, there has been a steady and substantial increase in the eight months of 1954 in the balances held by banks with the Reserve Bank .

All these facts were before the Government and as the Commission has pointed out that decision proceeded from two infirmities. Firstly, Government refused to take notice of it. This is what the Commission has to say:

> "Whether the Government took that I cannot escape a feeling to their conclusion their attention to the rise in figures in 1954 was not effectively drawn by bankers—that is difficult to say...."

The following sentence is in italics:—

> "I may be permitted to add that I cannot escape a feeling that the rising trend in the banking business which was disclosed by the figures of 1954 was not available until the date of the Government decision and was not noticed by the Government."

The rising trend is there but it was not noticed by the Government. We are told that the Reserve Bank has advised them; that the Finance Ministry has advised them. What was the Finance Ministry's advice? Was it that even the Plan will have no impact whatsoever on the banking business? Our note circulation rose from Rs. 1122 crores in 1953 to Rs. 1322 crores in 1955—an increase of Rs. 200 crores.

Surely that would have a tremendous impact on our banking. Government should have anticipated this. On page 37 of the *Report on Currency and Finance*, it is said that the

Reserve Bank had anticipated such an increase. Either its advice was not properly communicated or was not properly understood at the highest level in the Government.

So, what was the result? A stagnation was projected in 1953. The stagnation of banking was projected in 1953 and once again the same mistake is being made by the Labour Minister. He wants to project the present limited dynamism for the next five years. That is the reason why I support the amendment moved by Shri Kamath. It is wrong to freeze this award for five years because our banks are in for a big spurt, a dynamic spurt because we are planning on a large scale for deficit financing. If these facts are taken into consideration, we will not repeat the mistake that was made last year. Let us not freeze the pay structure. Stagnation should not be projected. The dynamism, and the tendency should be calculated. I am surprised that so acute an observer as my friend the Labour Minister has permitted himself to be overcome by the lack of logic and the lack of undestanding that seems to characterise the Finance Ministry.

Lastly, I would like to support the amendment tabled by Shri Gurupadaswamy for the same reasons that were put forward by Shri Giri.

There are also certain anomalies which have nothing to do with the report. For instance, take Kanpur. The Reserve Bank treats Kanpur as belonging to area I. I do not understand why other banks should be permitted to treat Kanpur as belonging to area II. There are similar difficulties for Hyderabad and other places. I hope the Labour Minister will make some provision whereby these controversies about areas may be brought before some competent authority and the matter may be resolved.

Finally, I would like to say that the controversy between the banks and the bank employees marks a very sorry episode in which the Government have not come out very well. I hope and trust that the Government will learn the lessons from their past mistakes and that in future the dynamism will not be merely confined to words but that it will become part—an integral part of our policies and our approaches.

Shri P. C. Bose (Manbhum North): After the long speech made by the previous speaker I want to confine myself to the Bill before us and say something from the practical point of view.

It is evident from reports reaching here from various quarters that the provisions of the Bill have not fully satisfied the bank employees. Anyway, I support the Bill for various reasons.

First of all, the Bill when passed into law, will ring down a curtain over an ugly industrial dispute which passed through various stages and continued to remain unsettled for more than eight years. Today when the dispute has been settled to a large extent and an atmosphere of peace is envisaged in the banking industry, it will not be proper to go into the past and find fault with this party or that party. But the Government and others concerned should take a lesson from this fact that a protracted dispute in an important industry like the banking industry on which depends the day-to-day working of all other industries, is not only undesirable but also detrimental to the interest of the society at large. In this dispute the employees inspite of disappointment and frustration did not go to the extremes and dislocate the normal trade and business of the country. The employers on other hand did not consider the demands of the employees until they were forced to do so by law, through tribunal after tribunal. In a case like this, the Government should take prompt action to settle the dispute not only for the interest of the employees and employers but also in the interest of the society at large.

The other reason for which I welcome this Bill is that the Government without sticking to its earlier decision to modify the Appellate Tribunal's

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Award appointed the present Commission and accepted its decisions. I have no doubt that the bank employees and others concerned will appreciate this and regard the action of the Government as an instance of their sincerity of purpose.

As regards the remaining grievances of the bank employees I feel they are quite genuine. The exemption of certain banks from the operation of the Award and reduction of income in certain cases do not seem to be fair under any circumstances. But as the present Commission has gone very thoroughly into this matter and has recorded its views with noble ideas and noble sentiments, I do not want to raise these points and complicate the issues involved in the Bill under discussion. I only hope that the Government will take up these matters later on as early as possible and settle the remaining disputes to the satisfaction of all concerned.

With these words and with my appreciation of the Report of Justice Gajendragadkar on which this Bill is based, I conclude my observations and support the Bill.

2 P. M.

Shri N. Sreekantan Nair: I am very happy that I have been called after several speakers so that I may just point out the reason why I moved that the Bill may be circulated to elicit public opinion in the next two months.

Mr. Deputy-Speaker: Evidently unwittingly they have all assisted the hon. Member.

Shri N. Sreekantan Nair: Yes, especially we had two of the most eminent leaders in the trade union movement—one of course, our most revered late Labour Minister and the present labour leader.

Mr. Deputy-Speaker: *Ex*-Labour Minister.

Shri Kamath: Not late, but former or ex.

Shri N. Sreekantan Nair: Both terms are used in Parliamentary parlance. We have also heard Shri Asoka Mehta, another very eminent leader speaking on the recommendations of the report. Though the experienced labour leader Shri V. V. Giri pointed out the spots where there were cankers he did not give all the important places where the spots are cankerous. On the other hand we could hear only a speech of eulogy from Shri Asoka Mehta because, perhaps, the time was limited for him to go into the details of the report.

This report is not based on a socialistic pattern of society. It is certainly not based on the conception that the wage rates should be based on the living standards of the workers and on the requirements of the workers and not on the profits earned by the institutions. My hon. friend Shri C. K. Nair need have no fears about the principles adopted in this Report. The Commission may have certain very noble ideas and he may quote the findings of great people, but they have not been applied any where. In this report we can find that the learned Judge has confined himself purely to the interests of the banking concerns and has said that the capacity to pay should be the primary factor to decide the wages. Therefore, the capacity of the industry to pay has been taken as the primary factor and the wage rates have been so adjusted as to conform to it. I do concede that, the clever man that he is, the learned judge has tried to placate all sections of opinion to a certain extent. But if you analyse the final results it will be very interesting to know how the various classes, interests and parties have been placated and have been then left out. I am just giving you an analysis of the report *vis-a-vis* the Government,. the Labour Appellate Tribunal, the Sastri Award and the workers.

First comes the Labour Appellate Tribunal, because, as has been pointed out by Shri Asoka Mehta the learned Judge wanted to protect the interest in his own class......

Shri Algu Rai Shastri: The 'Judges'' Class?

Shri Sreekantan Nair: Which is the class of Judges and Tribunals. So naturally, first he harps on the Labour Appellate Tribunal and comes out to ratify its decision to a certain extent. The decisions of the Labour Appellate Tribunal which have been accepted are: (i) decisions with minor modifications restored for A & B banks and for specified C class banks; (ii) Labour Appellate Tribunal taken as basis for the D.A. and (iii) Labour Appellate Tribunal's scheme to fit in the employees into new wage structure for A class banks only. These are the three main suggestions of the Labour Appellate Tribunal which have been accepted.

Now, when you come to Sastry Award, naturally Sastry was an inferior person compared to the Labour Appellate Tribunal on the one hand and the great Government of India led by the Ministers who have sworn on the socialistic pattern on the other. But, he was not left out. There are two suggestions which have been adopted from his award. The first, of course, has been pointed out by the hon. Minister himself. The provisions of the Labour Appellate Tribunal Award with regard to medical aid were set aside and it has been accepted that medical aid should be given as per the Sastry Award. The second one which has been accepted is: "Sastry scheme to be adopted for fitting the employees into the new wage structure for other classes of banks." That means in future the employees in all classes of banks, except the 'A' class will be getting in future years much more less than what they were entitled to get according to the Appellate Tribunal's Award.

The Government's decisions have been accepted and endorsed by this Gajendragadkar's Award. They are: (i) 2 years' exemption from Award accepted in the case of Travancore-Cochin banks. The arguments given for such exemptions are very very curious and I will be coming to them later on. The second one is: (ii) A fourth class to be accepted on the lowest minimum remuneration. That does not conform to the living standards, fair wages or even minimum wages. My learned friend Shri Asoka Mehta was wrongly leading the House to the conclusion that what has been fixed is a really fair wage. It is not a socialistic wage, it is not a capitalistic wage; it is a very unfair wage. A fourth class has been created in the fancy of the Government of India and this House and, perhaps, I have to share the burden along with others, because the Tribunals repeatedly refused to accept that there should be such a fourth class. As a matter of fact, 3 major tribunals went into this question. My learned friend the Minister when he tried to analyse them left out the Sen Award. The Sen Tribunal was the first one, Sastri Tribunal was the second one and the third was the Labour Appellate Tribunal. The executive orders are not to be considered as on a par with those judicial enquiries into the wage structure of the banking employees. All these three tribunals decided that there need be only three classes. But, our great socialistic Government decided that there should not only be a fourth class but there should also be a fifth class, and the fifth class includes those banks in 'B' and 'C' class states which are being exempted for all time from the implications of this Award. They were banks in all B and C Class States excluding the towns of Delhi, Coorg and Ajmer. The exemption has been limited to Travancore-Cochin State alone.

The third concession given to the Government in the report is: "Government modified decision to hold good for all the C class banks, other than the specified 8 banks, and for D class banks" and if there is an 'E' class of banks—of course, they are the banks in Travancore-Cochin —they have been left to wallow in the dirt and misery that have been bestowed on them by the Government's modification.

Now, what do the workmen gain? It is given in the report: (i) the first cut to fall due only in April 1955 and the total to be enforced in three instalments only. So, it is accepted that the cut should be there. As has been

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pointed out by the great trade union leader who also adorned our Labour Ministry some time back, it is an international principle that the existing privileges of workers should not be cut down. Even the Fascist Governments did not dare to introduce a cut in the remuneration of wages and in the standards of living of the workers except when they could plead some international crisis such as war. Here is a socialistic government, a government that has declared itself to work on the socialistic pattern, which comes forward and says: "Let the Sen Award on which basis the banking employees have been getting their wages for the past four years be thrown out". The Sastry Award came earlier and it unsettled the whole balance. Then the Appellate Tribunal stepped in and said; "You cannot do it. You cannot upset the existing wages like that." But because there had been certain limitations on the Appellate Tribunal to step in in such cases where the appeals can only be on certain specific issues and for certain special reasons, the Appellate Tribunal could not undo the whole mischief. So, as has been pointed by Shri Asoka Mehta, 12,800 people had to suffer as per the decision of the Appellate Tribunal's Award as compared to the Sen Award. A certain section of the workers lost heavily in their remuneration.

Then our great Government stepped in and naturally sliced at random the remunerations and living standards of the workers. Why? Because they wanted to favour the banks; not only the Central Bank, but, as a matter of fact, every bank, including the banks in our place, the Travancore-Cochin State. In Travancore-Cochin, the banks have been exempted. Why? The reasons given in the report are very interesting. The tribunal has tried to go into the reasons and at page 158, in Chapter X, it says:

> "There are as many as 160 banks in this State out of which only five have been admitted to the Second Schedule of the Reserve Bank of India Act, while only 17 have branches outside the State, thereby being made parties to the present dispute".

So, only 17 out of the 160 banks in the State are parties to the dispute. The report further says:

> "The size and resources of these 160 banks can be gauged by the fact that the total deposits of all of them aggregate only about Rs. 26 crores. Only four have resources of above Rs. 2 crores each, four have resources of between Rs. 1 crore and Rs. 2 crores, 25 have resources ranging from Rs. 25 lakhs to Rs. 1 crore and the rest have resources ranging from Rs. 1 lakh to Rs. 25 lakhs."

No attempt has been made at any time to take these 17 banks separately and assess what their capacity and resources are. Why? Because the Travancore-Cochin State is a problem State, and because the employees in Travancore-Cochin are known to have leftist sympathies and it is also a well-known fact that the employers there have big local vested interests, and are capitalists, and have succeeded, as a matter of fact, in clinging to the highest positions in this country including the Joint Secretaryship of the Congress Party.

Mr. Deputy-Speaker: Is he a banker?

Shri N. Sreekantan Nair: He is an industrialist and an oil magnate......

Shri V. P. Nayar: ....having some connection with the Cochin Bank.

Mr. Deputy-Speaker: Then, whoever has got a coconut grove may come into your category.

Shri N. Sreekantan Nair: He has also got coconut groves. Anyhow, the workers of Travancore-Cochin State have been neglected. There has been some promise thrown out by the hon.

Minister, to appoint another Commission and all sorts of things. I have very little faith in that promise. I have had several promises from him regarding the workers of Travancore-Cochin. Recently I brought to the notice of the House the conditions of workers there, but you were very unkind to disallow that matter which was connected with a dispute between the workers in the mineral concerns of the Travancore-Cochin Government.

Shri Khandubhai Desai: Was not that question referred to the Industrial Tribunal at your own request? You requested us to refer the dispute to the tribunal, and we have done so.

Shri N. Sreekantan Nair: That is still more interesting. It is still more interesting, because we just applied in form A under section 10(2) of the Industrial Disputes Act, for an adjudication, and he referred it under section 10, 1(c).

Mr. Deputy-Speaker: Let us be clear about the point. We are proceeding from the Bill to coconut oil, and from coconut oil to minerals! There are many things with respect to which Government can be criticised and the hon. Member can criticise, but what he referred to is not relevant to this Bill.

Shri S. S. More: Oil is slippery!

Shri N. Sreekantan Nair: How can a Member take in just the promises of the Minister? I was only referring to that point.

Mr. Deputy-Speaker: Let him confine himself to the Bill under discussion.

Shri N. Sreekantan Nair: I was only giving an instance.

Shri Kamath: It was only a lubricant.

Mr. Deputy-Speaker: The hon. Member will proceed.

Shri N. Sreekantan Nair: The sums due from the year 1946 to the year 1948 are still to be pail to the workers. The Travancore-Cochin workers have never been paid. It is the duty of the Labour Minister to enforce the decision, but he has not enforced it. When the question was brought before the House as a Motion under Rule 212, it was disallowed because the dispute had by then been referred to the tribunal. Such circuitous methods are always adopted by Government. They have denied the claims of the workers in the Travancore-Cochin State. Why? Because they have leftist leanings. On the other hand, many of the bank employers—they are not oil magnates—are, of course, august Members of this House, and naturally their interests have been protected. Travancore-Cochin State has been excluded from the purview of this measure.

I would next bring to your notice the major aspects of the Government decisions and modifications just to enable the House to understand how far the workers have suffered and how far they are going to suffer. As I have already pointed out, the first thing was the creation of a fourth area with a population below 30,000. The second was, Part B and Part C States, with the exception of Delhi, Ajmer and Coorg, should be exempted. The third was that the dearness allowance accepted by the Appellate Tribunal be set aside and the Sastry Award be implemented. Fourthly, the Sastry scheme for fitting in the employees in the new wage scale was accepted. Fifthly, the exemption of the United Bank of India with a working capital of Rs. 33 crores from the provisions of the award. The sixth was the introduction of the cut in salaries. All these main aspects have been retained in the present report. The cuts are to be enforced, but, of course, the cuts introduced in certain cases have been lightened. From a perusal of this report we find that Australian judges are quoted, high principles are declared; but they have never been followed up. Of course, the Commission itself does not claim to have followed those ideals and ideologies. So, I submit

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that some time must be given for the representatives of the workers to consider these measures, especially when in this House we do not have the distinguished representatives of the I.N.T.U.C., like Shri K. P. Tripathi, Shri Venkataraman and others. Even very eminent people on this side of the House could not go into the details and understand the full implications. If the present scheme is to be followed, the workers will have to put up with wage cuts in their exsisting remuneration and naturally with a lowering in their living standards. Even if the future increments are set off against the wage cuts without any reduction, for several years, say, from 1951 to perhaps 1959, these people will have to continue on the same income which they have been getting in 1951. Because of all these discrepancies, and, as Shri V. V. Giri has termed it—these anomalies—, I submit that two months' time is not too late. The Bill may be circulated to elicit public opinion and if it is not possible, at least my suggestion that the cuts should not be introduced—the suggestion that I have made in my amendment—may be accepted.

Shri Tulsidas (Mehsana West): At the outset, I must say that I welcome this measure which has now been introduced by the hon. Minister of Labour. Though I would like to make only a few observations on this measure, I welcome this measure because I feel that in this industry particularly peace is most essential and vital for the efficient working of this industry. There, without going into the pros and cons of this measure, and particularly when this has been brought forward on the recommendations of the Bank Award Commission, I do not wish to go into the merits or demerits of the recommendation, but I generally welcome this Bill. You know very well, Sir, that this dispute has been there in the country during the last 7 years. It has cost not only to the industry, but also to the employees quite a lot of money. It has been dragging on for a number of years. It is good that once for all peace has been established in this industry. I only hope that the labour leaders will see to it that peace exists in this industry for a long time to come.

It has also been pointed by the Commission as to how this dispute has created a lot of heart burning and bickerings amongst the employees. It has also created a sort of not-happy feeling amongst the employers. It is essential that this industry must have peace. I hope that this award will put an end to all the disputes between employers and employees. I do feel that had it not been for the modification of this award which has now been practically implemented by this Commission, things would not have been as bad as they are today. But, one point which appeals to me, as Shri Asoka Mehta pointed out is, whether the Government were aware of the situation or not when they modified the award and whether they had taken into consideration the different aspects of banking. I do wish to point out that it is not easy for persons to envisage what is going to follow later on, and what the effect will be on the bank as regards amount of expenditure. Even in the *Tata's Quarterly*. which was referred to by Shri Asoka Mehta, it has been said that this is a rather welcome event for the banks. He must not forget that when the deposits in the banks have increased to a considerable extent during the last 2 years, the banks have also become quite liberal-minded in the portfolio of advances. Advances have also gone up to a considerable extent. In fact, the advances have gone up much beyond the increase in the deposits. Therefore, banking services and banking facilities which are now available to the country are larger than the increase in the deposits. To that extent, the country at large has benefited by these banking facilities. In our country, we require more and more banking facilities to be available, not only to the urban and semi-urban areas, but also to the rural areas. This decision has been given and so also, the former Imperial Bank has been nationalised and the State Bank has come into being. We hope that with the coming into being of the State Bank, the rural population will also get the banking facilities which are now available to the urban areas. It is not possible, with the expenses going up, to increase rural banking to the extent that would otherwise have been possible.

I do want to point out one aspect of the question. The banks in this country have not lagged behind in the economic progress of the country. During the last 7 or 8 years after Independence, the Indian banks have played a very important role in the economy of the country. Before 1947, the foreign exchange business was handled practically entirely by foreign banks. The Indian banks today participate to the extent of 35 to 40 per cent. in the foreign exchange business of the country. That is a really good achievement. In spite of the cost going higher, in spite of bickerings against the banking system in the country, the Indian banks have played a very important part. Forty per cent. is not a small thing. After all, it represents invisible earnings. We have been clamouring all the time that Indian shipping, banking and insurance should play an important part in our foreign trade. Here is an example of an industry which has very few banks particularly in that sphere, which has been able to participate to the extent of 40 per cent. in the foreign trade of this country. As I said, this is a very creditable achievement for the banking system in this country. It should have been proper for the Members to give it a little pat for this achievement.

There is another aspect. In other industries it is sometimes said that this particular industry has been managed by a particular managing agency. This success has been achieved by these institutions which have been working in the interests of the country.

The Gajendragadkar Commission has referred to the higher emoluments of the higher executives. In this respect, I would like to make one position clear. As one experienced in this line of business, I wish to bring to the notice of the House that Indian banking has to compete with very large vested interests of the foreigners, not only in our own country, but also in foreign countries. In order to compete with foreign vested interests, the banks have to employ officers of the higher category not only for the head office here, but also in the branches outside India. You must have observed that Indian banks have opened quite a number of branches outside India. This has happened only recently. Indians have been sent there to manage these branches. These people who go out from this country to look after our banking interests have to remain on the same basis or status as any other foreign banks operating in those countries. If the higher staff that have been trained in this country and sent from here, are not paid the emoluments which their counterparts receive in those countries, they would be at a disadvantage. We have to encourage the higher technical staff who has been sent outside this country. There is another aspect which has to be considered. Either the managers or the higher technical staff in this country are the top executives of these institutions while the managers of the branches of foreign banks in this country are only managers of the branches of these different banks. I may tell you that I do not think that many of the top executives of these institutions are paid as much as well as the managers of the branches of foreign banks in this country. The responsibility of these top executives is so large that it is but proper that they should be paid in relation to the responsibility that they carry.

With regard to this industry, even the Commission has said that it is a delicate and complex industry and it is only desirable that there should not be any bickerings between the

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employees and employers. You will appreciate that there is a very large number of depositors in this country. These depositors have put their savings in these banks. These depositors are 100 times more than the employees of these institutions. It is the depositors' money which remains in these institutions, which has to be looked after by these executives. Unless they are paid in a proper manner, these institutions may not function in the efficient way that they ought to and we expect them to do. Shri Asoka Mehta pointed out certain aspects and asked why should not Government take into consideration these things. Even there, I may point out to Shri Asoka Mehta that if he had been in charge of a banking institution in 1953—I am sure he would desire to be in such a position......

An Hon. Member: God forbid.

Shri Tulsidas: My friend says "God forbid". I may tell him that in the interests which he represents and whose point of view he puts forward here, every employee hopes and wants to become the top executive of the institution, and it is but proper that every executive should have ambition. I may cite an example or two in which the smallest man has become the top executive of the bank.

Shri V. P. Nayar: Special qualifications.

Shri Tulsidas: He is not a special man. I am Chairman of an institution, and the manager of that institution today is a top executive who was drawing Rs. 40 a month 35 or 40 years ago.

Mr. Deputy-Speaker: May I make a suggestion? While the hon. Member is inviting Shri Asoka Mehta to become an executive or director of a bank, he may invite the hon. Member to become a labour leader.

Shri Tulsidas: You have certainly made a suggestion, but I do not wish to become a labour leader, though it is a very desirable position to become a labour leader nowadays. It is a very popular position today in this country to become a labour leader in spite of having no experience of labour conditions. However, I would not like to go into that, because that is a question between the labour leaders and labour itself.

What I am pointing out is that there is chance and scope for their ambition to be fulfilled provided the banking industry expands, so that quite a large number of people can aspire to these posts. We cannot have more than one top executive in an institution, and therefore out of the so many thousands, there will be only one who can come up in a prticular institution. So, there must be expansion. This ambition cannot be achieved unless there is peace and good relations in this industry. This particular aspect is always being looked into by the administrators of these institutions.

Then, I would like to make one suggestion to the hon. Minister. Clause 6(1) reads:

> "If any difficulty or doubt arises as to the interpretation of any provision of the award as now modified by the decision of the Appellate Tribunal in the manner referred to in section 3, the Central Government shall refer for decision the matter in respect of which such difficulty or doubt has arisen to the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, or to such Industrial Tribunal constituted under the Industrial Disputes Act, 1947 as it may, by notification in the Official Gazette, specify in this behalf."

In this connection, I would like to point out to the hon. Minister that the dispute between the employees and the institutions has been going on for the last seven or eight years. Merely for the interpretation do you wish again to have further unhappy feeling and go to the Tribunal, because I feel this will again create bitterness if anything is referred, and it goes on for months and months and years. I am suggesting a simple procedure, and that is, if the hon. Minister approves, he may refer it to a Judge or anybody he likes to look into these affairs, if he thinks that is proper. One or two representatives of the banks and the unions may be associated and settle this. It is no use again referring to the tribunal the whole matter because it will again drag on for years and years. There might be some misunderstanding over the intepretation of a prticular word here or there, and it will be referred to the tribunal, and unnecessarily it will create bitter feeling which has been there in the industry. He might accept if he likes even the Labour Ministry's decision, but let us have some simple machinery. This is merely implementation of the award, and if there is any difference of opinion, we should have a simple machinery to settle it as early as possible.

I would also like to suggest to him one thing more. In order to avoid frivolous disputes or complaints in the interpretation, let there be a proviso that the party which makes the complaint and loses its case will have to bear the entire cost. That will at least reduce frivolous applications, and disputes will not be carried on for years and years again. It will be in the interests of the industry and labour itself.

Shri S. L. Saksena (Gorakhpur Distt.—North): Who bears the cost of the dispute?

Shri Tulsidas: Whichever party makes a complaint and loses will have to bear the entire cost.

Shri S. L. Saksena: The bank pays out of its assets. The workers pay themselves. How can they be made equal?

Shri Tulsidas: I suggest......

Shri S. S. More: The question is, if I may specify it, that if the banks lose, they will pay out of the assets of the bank and not from their own personal pockets, but if the unions lose, labour will be required to finance from their own personal pockets. Is it equitable?

Shri Tulsidas: Their leaders like Shri Asoka Mehta can very easily bear such expenses because they also get perquisites from the labour unions, and it is only because of such leaders a certain amount of disputes unnecessarily arises. I am only referring to frivolous complaints. I am making this suggestion in the interests of peace and tranquillity in this industry which are necessary for quite a long time to come if the industry is to expand not only in this country but outside also.

With regard to the deposits, I may point out that the increase in deposits has been more in the Indian banks, and foreign banks have not been able to increase so much as the Indian banks. This increase is to the advantage of the country at large, and if the Indian banks had not done well the deposits would not have increased so much.

श्री सी० के० नायर (वाह्य दिल्ली): मेरा एक इन्टरप्शन हुआ था उस से कुछ मिसअन्डरस्टेन्डिग पैदा हुई है, सब से पहले मैं उसको दुर करना चाहता हूं ।

There is some misunderstanding about my interruption during Shri Asoka Mehta's speech. That was only meant to point out that we can ask for more or fair wages only if there is profit. That is all that I meant, nothing more. Of course, I would never ask for profiteering at all. If there is more profit, it must go in the form of bonus. There is no question of profiteering here, especially under the socialistic pattern which we are pledged to.

My second point is this.

अब मैं हिन्दी में बोलूंगा ।

Shri S. S. More: May I raise a point of order? It is becoming a frequent practice to begin a speech in one language, and then switch on to another language, and again switch back to the language in which it was

[Shri S. S. More]

first begun. I know that of course one is permitted to speak either in English or in Hindi. But once he makes a beginning in a particular language, I would rather seek a ruling from you whether he is permitted to go on changing the language like this; for, it creates trouble for those who understand and also for those who do not understand.

Shri M. L. Dwivedi (Hamirpur Distt.): As a matter of fact, Parliament has to adopt Hindi as its official language after 1965. In the meanwhile, Members should get an opportunity to pick up Hindi and also to hear Hindi. Therefore, both English as well as Hindi can be spoken now. If a Member starts in one language and switches over to another language, it is really for the facility of hon. Members. So, there should be no objection.

Mr. Deputy-Speaker: For a period of fifteen years from the commencement of the Constitution, both Hindi and English are official languages of the Union. We find of course that while one hon. Member confines himself to English, another hon. Member confines himself to Hindi, and a third hon. Member takes advantage of both the official languages and goes on switching over from the one to the other alternately, if he feels that on any particular point he is not able to express his ideas as well as he could express in the one language or the other. We find the same thing in public speeches also. A man starts भाइयो और बहिनो and when he comes to some technical expressions, he starts saying, what is this, I have always felt this difficulty, and so on and so forth, and again he comes back to Hindi.

Inasmuch as both the languages are official languages of the Union, he can go on in this way. There is a precedent also for this. Sanskrit and the local languages are mixed up in what is called *manipravala; mani* means ruby, and *pravala* means coral. Both these things can be mixed together. I do not know which is the ruby or the *mani*, and which is *pravala* here. But they can be mixed up. Let us see whether in the same sentence the hon. Member uses both the languages; then I shall intervene.

श्री सी० के० नायर : Now, English is *mani* and Hindi is *pravala*. Perhaps, after fifteen years, Hindi will become *mani*, and English *pravala*.

मैं यह कह रहा था कि हमारे सामने तीन एवार्ड आये बैंक एम्पलायीज़ के बारे में । पहला जो एवार्ड आया उस को सेन एवार्ड के नाम से पुकारा जाता है । जो दूसरा एवार्ड आया वह शास्त्री एवार्ड के नाम से मशहूर है और जो तीसरा एवार्ड आया वह गजिंद्रगडकर के नाम से मशहूर है । जो पहला एवार्ड आया उस को हमारे देश का जो सुप्रीम ट्रिब्यूनल है, सुप्रीम कोर्ट, उस ने रद्द कर दिया, इसलिये वह मैदान में नहीं है । सिर्फ़ दो ही एवार्ड हैं और अगर ध्यान से देखा जाये तो एक ही एवार्ड है क्योंकि जो शास्त्री एवार्ड था उस के पेश हो जाने के बाद देश में एक बहुत बड़ा एजिटेशन हुआ जोकि बैंक ऐम्पलायीज़ ने चलाया और उस में हमारे लेबर मिनिस्टर साहब ने जो सिम्पैथी ज़ाहिर की, उस का नतीजा यह हुआ कि गवर्नमेंट को यह बात माननी पड़ी कि इस के बारे में दुबारा जांच की जाये । जैसाकि अशोक मेहता ने कहा कि हमारा उसूल बहुत बड़ा है और वही उसूल इस कमीशन का भी रहा है । लेकिन उन को डर यह है कि जो उसूल हैं कहीं ऐसा न हो कि उन उसूलों के मुताबिक आगे काम न हो । मैं तो समझता हूं कि उस के ऊपर शुबहा करने की आवश्यकता नहीं है । जहां तक इस ख़ास एवार्ड की बात है गवर्नमेंट ने उस को स्वीकार कर लिया है, इसलिये मैं जो वर्तमान लेबर

मिनिस्टर हैं उन को बधाई देता हूं और साथ ही साथ मैं उस से भी ज्यादा बधाई श्री गिरि को देता हूं, जिन्हों ने पहले ही यह देख लिया था कि जो गवर्नमेंट का इंडिफिरेंस है किसी कमीशन के फ़ैसले के ऊपर और खास कर ज्यूडिशल फ़ैसले के ऊपर, वह मुनासिब नहीं है । लेकिन आखिर उस उसूल को हमारी गवर्नमेंट ने मान लिया । इसलिये मैं श्री गिरि को जो नये मन्त्री हैं उन को और जो गवर्नमेंट है उस को बधाई देता हूं । साथ ही साथ हमें बैंक एम्पलायीज को भी भूलना नहीं चाहिये और मैं उन को भी बधाई देता हूं क्योंकि मैं समझता हूं कि सब से ज्यादा बधाई के हक़दार वही हैं क्योंकि यह सब कुछ तभी हुआ जब उन्हों ने अपनी आवाज बुलन्द की, अपने आप को संगठित किया और एजीटेशन किया । इसलिये इस कमीशन का जो एवार्ड है उस को पूरी तरह स्वीकार करते हुए जो बिल पेश किया गया है, उस का मैं पूरे तौर पर स्वागत करता हूं ।

इस बिल का स्वागत करते हुए एक दो बातें हैं जिन की ओर मैं मंत्री महोदय का ध्यान दिलाना चाहता हूं । पहली चीज जो श्री गिरि ने कही थी वह मैं मंत्री जी को याद दिलाना चाहता हूं । सारी दुनिया भर में एक कनवेंशन है और यह मज़दूर तबके का एक प्रिविलेज है कि जो उजरत वह पानी शुरू कर दें उस में कभी भी कोई कमी नहीं की जा सकती । मुझे यह डर है कि इस एवार्ड में चन्द चीजें ऐसी हैं जिन के कारण जो उजरत बैंक एम्पलायीज पा रहे हैं कहीं उस में कमी न कर दी जाये । इसलिये मैं गवर्नमेंट से दर्ख्वास्त करूंगा कि इस चीज को जरूर ध्यान में रखा जाये कि जिस स्टेज पर भी कोई एम्पलायी अपनी तनख्वाह के पहुंच गया है उस को उस से कम तनख्वाह न मिले । मुझे डर है कि इस एवार्ड के अन्दर कुछ चीजें ऐसी हैं जिन का प्रभाव जो बैंक एम्पलायीज इस वक्त पा रहे हैं उस पर पड़ेगा ।

[SHRIMATI SUSHAMA SEN *in the Chair*]

मैं आप को बताना चाहता हूं कि सबोर्डिनेट स्टाफ़ को सेन एवार्ड के मुताबिक़ ६० रुपये दिये गये थे, वह तो एवार्ड खत्म हो गया । शास्त्री एवार्ड में उन को ४०–७२ रुपये के ग्रेड में रखा गया । उस में दो तीन क़िस्में थीं, चपड़ासी, दफ्तरी और हुंडी प्रिजेंटर । मैं नें सुना है कि पंजाब नैशनल बैंक के दफ्तरी और हुंडी प्रिजेंटर को ७८ रु० से लेकर १७९ रुपये तक के ग्रेड में रखा है । जो एवार्ड अब है उस के मुताबिक़ उन को ४०-७२ रुपये तक ही मिलेंगे । इस का एक नतीजा यह हो सकता है कि उन लोगों को जिन को १५० रुपये इस वक्त मिल रहे हैं उन को एक दम ४० रुपये देना शुरू कर दिया जाये । तो मैं चाहता हूं कि एक एम्पलायी जो तनख्वाह इस वक्त पा रहा है उस को उस से कम तनख्वाह किसी भी सूरत में नहीं मिलनी चाहिये और इस बैंक एवार्ड के कारण उस को किसी क़िस्म का नुक़सान नहीं होना चाहिये । यह एक बहुत बड़ा प्वाइंट है जोकि गिरि साहब ने पेश किया है और मैं इस का समर्थन करता हूं । मैं मानता हूं कि हमारे जो वर्तमान श्रम मंत्री हैं वह एक बहुत बड़े ट्रेड यूनियनिस्ट हैं और उन्हों ने अपनी सारी जिन्दगी लेबरर्ज की भलाई में गुजारी है और उन को यह उसूल अच्छी तरह से मालूम है कि जो मजदूर जिस तनख्वाह पर पहुंच गया है उस को उस से कम देना क़ानून के खिलाफ़ है । हमें कोई ऐसा क़ानून नहीं बनाना चाहिये जिस से कि जो सरमायादार है वह उस से फ़ायदा उठा कर मजदूरों को नुक़सान पहुंचासकें ।

[श्री सी० के० नायर]

मैं एक बात और कहना चाहता हूं और वह बहुत जरूरी बात है । पिछले एवार्ड में प्राविडेंट फंड के लिये छः पैसा यानी डेढ़ आना फ़ी रुपया रखा गया था, लेकिन अब उस को पांच पैसा यानी सवा आना फ़ी रुपया कर दिया गया है । मुझे मालूम होता है कि इस से मजदूरों को—एम्पलायीज को—सचमुच नुक़सान पहुंचा है । ओल्ड एज में अगर उन का कोई सहारा है, तो सिर्फ यही है । इसलिये इस को कम नहीं करना चाहिये । इस को कम करने का मतलब यह होगा कि एम्पलायीज का फ़ायदा हो । हम ने सुना है—और देखा भी है—कि आजकल बैंकर्ज बहुत पैसा कमा रहे हैं । इसलिये मैं नहीं समझता कि गवर्नमेंट को उन लोगों को फ़ायदा पहुंचाने की क्या जरूरत पड़ी है । खास कर जबकि हम लोग सोशलिस्टिक पैटर्न आफ़ सोसायटी की तरफ़ जा रहे हैं, तो हम को ज्यादा से ज्यादा इस तरह का प्राविडेंट फ़ंड वग़ैरह का फ़ायदा मजदूरों को पहुंचाना चाहिये । इस हालत में प्राविडेंट फ़ंड को पांच पैसे करना कोई इन्साफ़ की बात नहीं है । मेरी प्रार्थना है कि इस को छः पैसे ही रखना चाहिये ।

मैं ने पहले ही कहा है कि अलग अलग बैंक वालों ने अपने मुनाफ़े के मुताबिक़ अपना स्टैंडर्ड, अपना स्केल और इन्क्रिमेंट वग़ैरह रखा हुआ है । उस में एवार्ड के कारण कोई इन्टरफ़ीयरेंस नहीं होनी चाहिये । उन को वैसे का वैसा ही क़ायम रहने दिया जाये और जो फायदा पहुंचा है, उस को दूसरी तरह से रहन दिया जाय ।

सके बाद मैं मेडिकल एड के बारे कुछ कहना चहता । सब से पहले इनडेफ़ीनेट फ़ायदा रखा हुआ था । दूसरे एवार्ड के मुताबिक़ ९० रुपये महीना खर्च किया जा सकता है एक एम्पलाई के ऊपर । अब लेटेस्ट यह कर दिया गया है कि ९० रुपये तीन महीने तक एकू हो सकते हैं । अगर एक आदमी को ८० रुपये महीने में फ़ायदा हो जाता है, तो उस के दस रुपये बच रहेंगे और अगले महीने १०० रुपये हो जायेंगे और अगर उस में से ५० रुपये खर्च किये जात हैं, तो ५० रुपये बच रहेंगे और तीसरे महीने १४० रुपये हो जायेंगे । अगर वह आदमी ज्यादा बीमारी की हालत में हो, तो वह १४० रुपये खर्च कर सकता है । अगर वह खर्च हो जाय तो अच्छा है, नहीं तो वह लेप्स हो जाता है । मेरी प्रार्थना है कि उसी तीन महीने वाली शर्त को रखना चाहिये जिस से कि एम्पलाईज को ज्यादा फ़ायदा हो । इस बात को गवर्नमेंट को स्वीकार करना चाहिये और इस प्रिविलेज को कम नहीं करना चाहिये ।

इन शब्दों के साथ मैं इस बिल का अनुमोदन करता हूं ।

Pandit Thakur Das Bhargava: In regard to this Bill I have not much to say. As a matter of fact, the questions referred to the Bank Award Commission were fairly intricate and after perusing this report I must say that the hon. Judge who constituted this Commission brought to bear upon his work great powers of understanding, discussed the question from all points of view, propounded certain principles and came to some conclusions, as the Labour Appellate Tribunal did on major questions.

Before proceeding further, I would like to bring to the notice of the hon. Mover of this Bill paragraph 311 of this report. That paragraph deals with certain classes of banks who entered into agreements with their employees after the case went to the

Labour Appellate Tribunal. It runs thus:

> "Having dealt with the banks which have arrived at amicable arrangements with their respective employees in the presence of the Commission, it would now be necessary to mention other banks which have independently settled their disputes with employees amicably. The Pandyan Bank of Madurai and the Bharatha Lakshmi Bank of Madras have sent to the Commission authenticated records of their respective agreements. The Vyasa Bank of Bangalore and the Salem Bank of Salem have duly produced and proved their respective agreements with their employees before the Labour Appellate Tribunal. The cases of these four banks must accordingly be dealt with as cases which have been amicably settled between the parties. The Narang Bank of India of New Delhi alleged in its communication to the Commission that it had also settled its dispute with employees amicably, but did not produce any proof in support of the allegation in question."

Now I want to bring to the notice of the hon. Minister that the statement contained in paragraph 311 is inaccurate. The Narang Bank which is a displaced bank also entered into a compromise with its employees and sent the original document to the Labour Appellate Tribunal. The employers and the employees both entered into an agreement, made a joint application to the Labour Appellate Tribunal to attest that and remove their names from the list of parties before it. The Chairman of the Labour Appellate Tribunal ordered that notices be sent to the employees. The employees before that had entered into an agreement and adopted a resolution and one K. Singh was appointed their attorney. This K. Singh and the Chairman of the Bank met and made a joint application to the Labour Appellate Tribunal and they ordered that notices be sent to all the employees of the bank. In accordance with that order notices were sent to the bank employees and it was ordered that the applicant bank should produce an affidavit before the Labour Appellate Tribunal to the effect that notices have been served and every one of the employees have been apprised of this. The Chairman of the Bank then made an affidavit that he had those notices pasted on the notice board and everybody was informed. After that these particular employees who had entered into the compromise. They sent their sworn affidavits to the Labour Appellate Tribunal and the matter came up before the Labour Appellate Tribunal. The Labour Appellate Tribunal said that as against the Shastri Award these banks had not preferred any special appeal; they were parties to the general case and therefore thoug the signatories to the resolution, the employers as well as the employees had put in their written affidavit and nobody objected, yet the Labour Appellate Tribunal said that there is no specific case before them in regard to these people and therefore they could not do anything.

After that when this Bank Commission was appointed, they sent a questionnaire to the bank. In reply the bank people said that they had already sent authenticated documents to them and that the original documents were with the Labour Appellate Tribunal, which would be on the files of the Commission, that this order had been passed and therefore there was no use replying to their questionnaire. Again the Commission said "Now, you must make a reply." Then the Bank people sent a copy of the agreement documents again to the Commission and sent a reply under protest.

These two banks, that is the Bharath Lakshmi Bank of Madras and the Pandyan Bank of Madurai were exactly in the same position. They had sent their authenticated documents. The documents of the Narang Bank are still with the Labour Appellate Tribunal and the papers would be lying in the files of the Commission. The copies also are

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there; the affidavits are there; everything is there; and yet in paragraph 311 of the Report it is said:

> "The Narang Bank of India of New Delhi alleged in its communication to the Commission that it had also settled its dispute with employees amicably, but did not produce any proof in support of the allegation in question."

What more proof could be there? The resolution is there; the appointment of attorneys is there; the joint application of their attorney and the Chairman is there; then the sworn affidavits of both the parties are there; the original document is there; the copy is there—I do not know what other possible proof on earth there could be to be produced. Nothing could be produced similarly about these two banks of Madras. They said that the authenticated documents have been sent. The authenticated copies are with the banks even today. May I respectfully ask: what is the difficulty? How does the Commission discriminate between these two banks and the Narang Bank? It is quite true that these two banks perhaps belong to very prominent places; the Narang Bank has its head office in Delhi.

An Hon. Member: Is Delhi not a prominent place?

Pandit Thakur Das Bhargava: The point is this. The Delhi Bank was not in touch with the Bank Award Commission, which was holding its sittings in Bombay. They did not even know what they were doing. According to the Civil Procedure Code the law is clear. Whenever any decision or any settlement is produced before any court, it is the duty of the court to call those parties and see it is attested. In the present case the document was placed before the Labour Appellate Tribunal and their joint application was there, and their sworn affidavits by way of evidence is there. Everything was complete. As a matter of fact, everything which was possible for this bank to do, it did, and yet in absolute ignorance of the fact that the documents were there they say:

> "They did not produce any proof in support of the allegation in question."

3 P.M.

If the Bank Award Commission had called the bank people and they did not go there, if they were asked to do something and they had not done that, I can understand that they can be penalised. Nothing like that was done. On the contrary, when they wanted the reply to the questionnaire they sent a reply. This is not all. At one time the Reserve Bank sent a letter to the Narang Bank asking them whether they had entered into an agreement with their employees. Everybody knew that it was the Government's intention that those who had entered into an agreement with the employees should be saved. The bank people have sent them the agreement. They had several employees and the employees were there with the bank for a long time. As I told you this was a displaced bank. But this is not one of those banks which came to a decision to apply to court for paying 30, 40 or 50 per cent. of the deposits. This bank paid whatever was payable to the depositors and was in good condition. But after 8 years time, great losses have been incurred about Rs. 12 lakhs. (*Interruption*) It so happened that the Reserve Bank also asked for some information in this respect and the reply was sent to the Reserve Bank. The papers are with the Reserve Bank. The Bank people told them that we stand in such and such a position.

So far as the C.P.C. is concerned, it was the duty of the Bank Award Commission or the Labour Appellate Tribunal to record this and have done with it. The original dispute, after it has been resolved by this agreement which has been accepted by all the persons, does not exist.

There is no necessity for discriminating this Bank from other Banks. In the recommendations, on page 158, it is said:

> "The following banks have independently entered into agreements with their employees as to the pay scales and other conditions of service applicable to them.
>
> (i) Salem Bank,
> (ii) Vysya Bank,
> (iii) Bharatha Lakshmi Bank,
> (iv) Pandyan Bank."

They give a direction to the Ministry or some other person who comes in their stead. They say that so far as these last two banks are concerned, their agreements should be approved and enforced. I want that instead of two banks it must be written as three banks. In the case of Narang Bank also their agreement should be approved and enforced. How do they discriminate? Article 14 of the constitution comes to the help of the bank people. If their agreements are to be approved and enforced, the bank stands in a better position because they placed their agreement before the Tribunal. On the contrary, the bank put before them all the evidence that it had. All the documents were there. If it is not correct, so far as the bank is concerned, their agreement goes out and they come within the jurisdiction of the mischief of this. These people, the employees have been with the bank for a long time; the bank has been paying them decently; no bank either in Punjab or anywhere paid their employees on the same basis. The bank employees did not want any dispute. The bank came to terms on all the 34 items. I have got a copy of the agreement between the bank and the employees. What I am submitting is, have a perusal of the record. What I submit is that if there is any apparent mistake in the recommendation, there is no case why you should not give effect to these agreements and be bound by those recommendations.

After all, you have got clause 7. What is the use? If there is any dispute, it is within the powers given to the Central Government to get those doubts and disputes removed and settled by the Industrial Tribunal. When there is an *ad hoc* civil court appointed by commission or otherwise, then the decrees of that court or awards made by such arbitrators are always got implemented by other courts. There is nothing surprising. I want that so far as section 6 is concerned, either you correct the mistake yourself if my facts are correct. If my facts are not correct, then do not act upon them. But why should you drive me to desperation? I cannot manufacture the compromise document. It is already there in the file. You satisfy yourself whether these documents are there on the file or not. It is purely a case in which you should directly interfere. You should see that section 3 is amended that so far as this bank is concerned, the Narang bank should stand on the same level as the other two banks. If it is not possible for you to decide it here because the file is not with you at present, and therefore you cannot possibly do it, I want that clause 6 should be so amended as to include mistake also along with doubt or difficulty. You must also add that if there is a technical mistake apparent on the record, as in the case, then, in that case, the matter should be correctible by this Appellate Industrial Tribunal. If the mistake is once committed, and there is no question of interpretation as in the case of doubts, that mistake would always exist. The powers of review are always their with every court. If you had not taken away the powers of the Bank Award Commission they would have done this themselves. I would say that our judge has made a very good report yet could it not be that he has committed a mistake. It is a mistake of the office. If the documents were brought to the notice he would not have written like this. Probably, the lower officials did not apprise him of the fact. This mistake can only be corrected by him. I will be quite

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happy if the hon. Minister gives me an assurance here that if what I have stated are found to be correct, he will look into it and make the correction. I give him an alternative. Let him enlarge the scope of clause 6 and say that in the case of mistakes apparent on record, in that case also power shall be given to the commission to correct the mistake.

(*Interruption*). I have given all the facts. We had applied for the agreement being recorded. We did all that. So far as these two banks are concerned, they only sent their agreements. I only want that as it is given here, this agreement may also be approved and enforced. The bank's agreement should not be given the go-by simply because the Commission committed a mistake and said that the bank have never produced any documents. The documents are not with the bank; they are with the Commission; on their record.

I want to speak about one or two matters of legal interpretation and legal principles. I want to make one or two observations. Shri Asoka Mehta was pleased to say, when extolling this report and eulogising the services, arguments etc. of Justice Gajendragadkar, that the Government should not only accept the recommendations made by the judge but also the reasoning made by him. So far as the reasonings are concerned, I have gone through them. Some of them are very good; I like them. But the point is not whether I like the reasoning or Shri Asoka Mehta likes the reasoning, Government never accept the reasonings but only the recommendations of such commissions. In this case the reasoning is good. Any other judge may have other reasons to offer though the conclusion may be the same. Therefore, I do not understand how Shri Asoka Mehta asks the Government to accept the reasonings behind the recommendations.

So far as section 15(a) of the Industrial Disputes Act is concerned, I desire to make one point. The hon. judge of the Bank Award Commission has suggested that this power was taken by the Government for public purposes. This is perfectly true. I can envisage cases in which after any commission or arbitrator has given an award, the Government may not give effect to the award on public grounds—there may be 101 reasons for it. In this particular case, I do not object to the suggestion made by the judge. The judge has said that in such a case the Government should not modify the decision by an executive order but should again place it before another judicial tribunal or ask the arbitrator himself to review his decision. The judge has referred to article 137 of the Constitution also. My humble submission is that when this Parliament in its wisdom enacted section 15 it had taken all these points into account. As long as this section exists, there is no reason why the powers of the Government should be circumscribed in this manner. Ordinarily speaking, if you appoint a High Court Judge or an eminent judge as an arbitrator, it is but fair that all these public groups may be placed before him. At the same time I do not like that the Government's powers should be circumscribed by a suggestion like this that in no case can the Government exercise all its powers except through judiciary. If you accept the suggestion made by the judge that there is the socialistic pattern of society to which Government is committed, therefore, such a process is necessary, then it is clear that the Government is as much committed to it as Shri Asoka Mehta or any one of us. There is no occasion for suggesting or accepting the suggestion that in all cases the Government's powers should be so circumscribed as suggested.

The suggestion was made and some of the Members were angry at the fact that certain confidential information was not allowed to be disclosed, so far as the judge was concerned, to the representative of the workers. So far as confidential information is concerned, it is not in every case that Parliament or any judge of any court is authorised to pry into such confidential communications. I can understand that in proper matters, if the judge is there or the chairman of a commission is there or anybody who is to decide the matter is there, it is always better for the person who wants to protect himself and yet not produce this confidential information, to make his confidential information available to the presiding authority. If he does not, then there will certainly be a presumption in the mind of that authority. By keeping back the information, the judge's mind is likely to be against the interests of that person and it may adversely affect that person. At the same time, my humble submission is that in every case there is no solid ground for such confidential information to be made available to the other party or to the Parliament. In the Indian Income-tax Act, there is a section—section 54—in which confidential communications are protected. Under the provisions of the Indian Evidence Act also a person is protected from the disclosure of certain information in the public interest. In regard to banks, I can understand that if you make it a rule that in every case all the secrets of the bank should be made available in an enquiry like this, it would mean that even the secrets of depositors or creditors or debtors shall be available not only to the representatives of labour who are not concerned with them, but also to rival banks, and difficulties would arise. It is in public interests that the Income-tax Act, the Evidence Act and other laws have made certain kinds of communications and information as confidential. I should think that the judge was perfectly right in seeing all those things and came to a decision without disclosing them to the other party. Even according to law, there are some communications which are exactly not made available to the judge himself; it is not necessary that those things must be available to the court also, because there may be certain communications, the disclosure of which might put the person, whose secrets are there, into great peril, as for example certain communications in regard to crimes. If Mr. More is my lawyer, and I am accused of some crime certain communications are regarded as confidential between me and him under Section 126 of the Evidence Act. I am exemplifying the matter in reference to Shri More because he is such a great lawyer. So far as the principle is concerned, there is nothing wrong in not disclosing confidential information to other persons.

I take this opportunity of congratulating our beloved ex-Minister Shri Giri, on the stand he took in regard to this matter. All honour to him and whatever he stated then, whatever he proposed then has now been thoroughly vindicated by this Award. I have always looked upon Shri Giri as the one eminent person with balanced views who looks to the interests of the labourers and the interests of all those who are opposed to them with the single eye view of what is in the interests of the country at large. I am very happy that he is sitting here now to guide us in our deliberations.

Shri V. P. Nayar: I should very much like to deal with this question of the bank dispute from an entirely different perspective from what my hon. friends who preceded me have had. As you have listened to the debate, I am sure you will agree with me when I say that Member after Member, who spoke from this side and from that side, dealt with the implications of the Award in a general way. I would, therefore, confine myself to showing how the implementation of these recommendations will affect the bank employees as a whole or a section of them in particular.

I need not go into the history of this dispute, because my friend, Shri Khandubhai Desai, gave us in chronological order the various important events. Nor do I have to add to the bouquets that have already been thrown to by Shri Giri. I am very glad that he stands vindicated and I shall be happy if, as a trade unionist he will again fight for his rights, of reinstatement.

Shri N. Sreekantan Nair: For reinstatement.

Shri V. P. Nayar: Yes. He has every proper right for reinstatement. What is this dispute about? Let us go into it in a very objective way. For a few years there has been a dispute between the bank employees on the one hand and bank lords, bank tycoons or bank barons—whatever be the name by which you call them—on the other. It was obvious from the way the struggle was launched that the Government with all its might lent support to the cause of the bank barons. They tried to procrastinate the settlement with the bank employees. Therefore you find that during the time of this dispute there was the Industrial Disputes (Temporary Provision Amendment) Act, followed by a Conciliation Board; then again by the Divetia Tribunal, Sastry Tribunal and Sen Tribunal, the Labour Appellate Tribunal and after all these, the Government modified the decision, precipitating the resignation of Shri Giri, who could not stand the ordeal of acting on principles in which he did not believe, and also shooting up another trade union leader to the same *gaddi* which Shri Giri had vacated. If we look at this picture, we will find that never for once during the struggle the bank employees had yielded when there was a suggestion of a pay cut. They were very united in their struggle, and we who have had something to do with them have always been proud that bank employees have been very much united when this question came up. They had always resisted any tendency on the part of the employers to enforce any measure of wage cut. It was for their living wages. I do not propose to go, as some others did, to Australia or America for taking evidence about fair wage, nor do I wish to elaborate on the theory of fair wage. But the point is that the bank employees, right from the beginning were keen on one thing: to get a better wage. If there was any threat of a wage-cut, you can find that from one end to the other, from Cape to Kashmir from Bombay to Calcutta, the bank employees were solidly united. But on the other hand, every time when the bank employees wanted some more wages in order that they may lead a better life in the context in which they are, the bank employers always had the unstinted support of this Government which now proclaims that it is to be wedded to a pattern of socialism.

I do not want to go into the details about this long-standing dispute but I must once again repeat that for all these years Government did not behave in the way in which they ought to have. It is true that some commissions and some tribunals were appointed. What was the reason for the Government to modify the Labour Appellate Tribunal's Award? If you want to have a certificate of that there is enough in this Commission report, Eeven the Commission which was asked by this Government to go into this said that the Government had no business to interfere. I am not going into it further. But let us know what is the fear in implementing the recommendations as they are. What is the percentage of the bank employees who will lose what they are getting now. If it is the case of my hon. friends on the other side then there is nothing; nobody is going to raise that. But as a matter of fact it is not so simple as all that. There will be a section of the bank employees who will lose if this is enforced. I should have understood if Government which had guts and the gumption to interfere with the Appellate Tribunal's Award last year, modifed the award in such a way that some new classes of banks were created and at some *places accepted.* If they did that much, that would have been all right. But they have gone further to protect the interest of the bankers on the ground that an expanding economy made a demand for that. I ask the Government: is it not their duty now that they have proclaimed from the house-tops that we are planning to have an egalatarian society, a socialistic society, to assure the employees that they shall have no wage cut hereafter? Is it not a very justifiable demand? I should have understood if the Government did it and said: "In so far as these recommendations of the Bank Award Commission are enabling the workers to get more, we are implementing and we are not going to implement those recommendations which are on the other hand going to effect a wage-cut." In that case, I should have been very glad to support them.

But now the question is this. We have heard that after all it is a report by one of the most eminent jurists. I do not question his wisdom but I am not prepared to give him credit for all that he said here. He has in some specific cases erred also. Now, it is said that because there has been a Commission and a very detailed report and all that, we have to implement everything. But I was amused when Shri Khandubhai Desai who claims to have been a labour leader once upon a time said......

An Hon. Member: He is even now.

Shri V. P. Nayar: Probably he is connected with the labour union of the Cabinet.

Shri Asoka Mehta: He is the managing director of the INTUC today.

Shri V. P. Nayar: As Shri Asoka Mehta puts it, he is the managing director of the INTUC. You will find that the workers were not taken into confidence. In a question of adjudicating a dispute, it is no use saying that the bank barons or tycoons had submitted certain records to the Tribunal for perusal but at the same time these records, facts and figures are to be withheld from the workers. It was their duty to find out how and why their rates of salaries could not be increased. In page 36 of the Commission's Report, it is said:

> "Besides, as I have already indicated, at the initial stage of this enquiry bankers had been promised that in case they supplied all the information called for by the Commission in confidence to the Chairman it would not be disclosed to the employees. That is why, in conducting the enquiry at subsequent stages, I have scrupulously kept the promise given to bankers by my predecessor the late Shri Justice Rajadyaksha and information which was received confidentially by him or by me as Chairman of the Commission has not been disclosed to employees."

That is the information on the profits; that is the information on the black-market profits which the bankers had had about which I have got so many photostat copies as to how they made those profits. I am giving the House some details about it. If my hon. friend, Shri Abid Ali would like to have it, I am prepared to give those copies taken from certain banks for his perusal.

For example, I find from the United Commercial Bank a sum of Rs. 78 lakhs was transferred without the permission of the Reserve Bank or the Government to the branch of that Bank in Pondicherry before the merger. It is not a small sum. Later on when the Reserve Bank audited, it became clear that a sum of Rs. 78 lakhs was kept there in an unclaimed account. I am asserting and—the hon. Minister, Shri Abid Ali may contradict me if I am wrong. Where has this money come from? Are not the employees of the United Commercial Bank entitled to know where this Rs. 78 lakhs have come from?

I am giving another case of the Punjab National Bank. I am creditably informed that the Punjab National Bank has advanced at the end of 1954 a sum of Rs. 6.5 crores to the major financial interests which control that particular Bank, namely, the Dalmia-Jain group. An amount of Rs. 10 or 11 crores was lent in 1951 but at the end of 1954 it remained at Rs. 6.5 crores on which the bank charged an interest of only 3.5 or 4 per cent—far below the usual bank

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rate. Happily now Shri Khandubhai Desai is here and I challenge him to contradict me if I am not right. The Reserve Bank inspection reports reveal very clearly certain things.

I also know that the "great banker", Shri B. T. Thakur, had on Reserve Bank inspections to tender his resignation on so-called medical grounds. Afterwards you find that the same party, even though there is no provision to provide for any pension, is provided with a pension of Rs. 2,500 per month. It is because Mr. B. T. Thakur who was the managing director knows for certain as to how, why and where the money has been got. But the workers are not entitled to know! If he is not paid Rs. 2,500 for his lifetime, he knows the truth and there is a chance of his coming out with all these things before the public and so they thought it better to buy him up for a life pension. That is what has happened. But the Minister says and the Commission also has said that it is not possible to disclose the facts and figures to the employees. At whose sweat and toil are these big barons making their profits?

I do not want to give more illustrations. But you will find almost in every bank financial barons who control also take the money from the corporate funds of the bank for their own private purposes at fantastically low rates of interest. They have many such devices.

Another device is to clear bills at par value, from the parties without collections. There will be no entry. It is very interesting. I may just read for the information of the House one sentence from a letter from the United Commercial Bank dated 9th April 1946—there is a photostat copy and Shri Khandubhai Desai cannot contradict it—

> "We are not going to report to the income-tax authorities payment of interest to parties in case it exceeds Rs. 400 as it is the discount and not interest."

This is the type of letters for which we have got photostat copies.

Sardar A. S. Saigal (Bilaspur): Put it on the Table.

Shri V. P. Nayar: I am prepared; if the Chair wants me to do it I am prepared to place all these on the Table of the House. I shall be glad if the hon. Minister can check it with the original and if they can and contradict it; I shall then be glad to accept my mistake also.

Sardar A. S. Saigal: May I ask the Chairman to ask the hon. Member to place it before the House.

Mr. Chairman: I shall ask him to do so if the hon. Minister wants it. I do not know if the hon. Minister wants it.

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): It is not necessary to quote from these copies in connection with this Award.

Shri V. P. Nayar: I am only making a point. The Hon. Minister said that it was not in the public interest to disclose certain figures.

Mr. Chairman: You may send them to the hon. Minister if he wants.

Shri V. P. Nayar: They are here. He has only to ask for them.

Then, I again want to point out that Rs. 40 lakhs have been spent by the Punjab National Bank on the dispute from the date of commencement of the dispute till the date of its decision. The legal expenses alone will come to Rs. 40 lakhs while if the claims of the workers in the Punjab National Bank would have been accepted without dispute I feel it would have come to a figure of only Rs. 20 lakhs or so. These are figures which should not be divulged to the workers who are now fighting for a better wage. Ridiculous. Is it not?

Then I would come to the question of the creation of class 4 places. Which is the Commission which had recommended the creation of such a class before? When did such a class start? I am putting this question to the hon. Minister. 30,000 population is to be taken as the guiding principle. Here is a classic example of a town in my State which you have excluded—the town of Alwaye. It has only a population of 18,000 people. There are other towns in the Travancore-Cochin State with a population of 142,000, 153,000, 213,000 and so on. I know for certain—and the hon. Minister also knows—that the business of the banks in the Alwaye branch, a small town, is very much more than in other branches of the same bank in other towns. If you look at the figures you will find that in a place like Alwaye which has only a population of 18,000 people the working class cost of living index is 334. Yet, you say that such towns are to be excluded on 4 grounds. The grounds are that the economy does not justify and the employees there are all local people. I ask the hon. Minister a **plain question.** Has he taken into consideration the fact that most of these employees in the banks in class IV areas do not belong to the local places? I can very confidently say that at least 90 per cent of those employed in these places are not of same locality. They come from some other places nearby or far away. So, in what way is it advantageous when you exclude the whole of a State? I have here a memorandum which has been submitted by the All India Employees' Union—of which I am sure Shri Khandubhai Desai has also a copy—which says that the reasons for the failures of banks in such places have to be sought elsewhere. They have quoted from the report of the Banks Liquidation Enquiry Committee. This is what it says:

> "As much as Rs. 93,00,00,000 has been lost by the depositors during the period 1947—54 due to the bank failures and this was due to bankers' bid to get the control of non-banking of shares between the banks and other companies, the grant of large loans to persons connected with the management of the banks without adequate security, expensive window dressing at the time of preparing balance-sheets and in general a tendency to utilise the bank funds to the detriment of the interest of the depositors."

They say there have been bank failures in these places. Where is it shown that they were due to wage rates, that the banks foundered on the rocks of wage bills? Further, banks in such places have made profits, are making profits and will make profits if we have this kind of law. Therefore there is no case for such a class, as class IV.

Then, there is also this possible danger, that, when you declare that at a particular town or village where the population is below a certain number the regular wages of workers shall be less than in other places, in order to victimise active workers in the trade unions the banks having branches in A, B and C types of banks will transfer such workers from an A type bank to another bank which will come under the type just mentioned by me. I would very much like the hon. Minister to consider this question. How are you going to safeguard against this danger, transfer for victimisation? Don't you know it is victimisation if you send a man from one place to another place on the same scale when under these provisions he will get far less than what he is getting already?

Therefore, my submission is, when Government comes forward with a Bill like this, they should ensure that even if they cannot give more they should not take away what one is already getting. It is not after all a very big problem to give the bank employees what they were getting. It can easily be adjusted against future increments. Why should there be any question of refund? If a man gets at present Rs. 125 a month and if under the new award he will get slightly less in that scale the bank can certainly wait until such

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time the increments of the person concerned would have made up the difference between the two—what he is getting now and what he would get under the new award.

There is also another point. When the Government brings forward a Bill they should view with more sympathy from the point of view of workers and see that if they cannot give something more to them, they should not take away what the workers are already getting.

In the matter of exclusion of the Travancore-Cochin State I want to say that the Government must reconsider their decision. I have seen a letter sent by Shri Khandubhai Desai to my friend Shri Punnoose in which he has stated definitely that it is not possible to reconsider the case of Travancore-Cochin. Please, Shri Khandubhai Desai, do not be so very dogmatic. Please find out the feelings of the employees. If you want you can go to Travancore-Cochin. But, please do not appoint a Commission and then delay the whole thing for ever. Sir, we very earnestly request Shri Khandubhai Desai and once again appeal to his trade union spirit, which he says he is having, to consider this aspect. It is a unanimous request. I have copies before me—it is printed in Malayalam and I do not want to read it—if you will permit me, Madam......

Pandit K. C. Sharma: It is a coloured notice.

Shri V. P. Nayar: I will read it. It says:

> *"Eeeide prasidheekritamaya Bank Award Commissionde reportil Thirucocheela bank jeevanakkare nirdayamayum neetivirudhamayum avaganikkapettirikkunna vivaram innattukar ithinakam arinjirukkumallo."*

Mr. Chairman: The hon. Member's time is up.

Shri V. P. Nayar: Madam, I shall wind up what I have said by saying once again and urging upon the hon. Minister that he should consider some ways and means to implement the provisions of this Act in a manner that the salaries of the employees will not be affected and there will not be any cut. So far as the recommendations which affect the workers by enforcing the cut are concerned he should not take any step to enforce such recommendations.

श्री ए० एन० विद्यालंकार (जालंधर) : बैंक के जिस झगड़े के सम्बन्ध में यह बिल हमारे सामने पेश है वह झगड़ा काफी लम्बा हुआ । कहा गया है कि इस में भी गवर्नमेंट की जिम्मेदारी है । मेरी राय में अगर इस झगड़े की हिस्टरी को देखा जाय तो गवर्नमेंट ने लगातार, जो भी कानून उस के सामने थे, उन के अनुसार काम किया और उस के अन्दर कहीं पर भी कोई दस्तन्दाजी नहीं की । प्रारम्भ में एक ट्रिब्यनल बैठा और जो फैसला उस ने दिया उस पर सुप्रीम कोर्ट में अपील की गई और जो फैसला सुप्रीम कोर्ट ने दिया उस को गवर्नमेंट ने माना । उस के बाद इस मामले को एक दूसरे ट्रिब्यूनल के सामने पेश किया गया और उस के बाद उस की अपील एपीलेट ट्रिब्यूनल में हुई । उस में भी गवर्नमेंट ने कोई हस्तक्षेप नहीं किया बावजूद इस बात के कि बैंक एम्पलायीज़ बार बार यह मांग करते थे कि गवर्नमेंट को हस्तक्षेप करना चाहिये लेकिन गवर्नमेंट ने कोई हस्तक्षेप नहीं किया । यह बात ठीक है कि एपीलेट ट्रिब्यूनल का जो फैसला हुआ उस के अन्दर उस ने हस्तक्षेप किया । मैं खुद इस बात को अनुभव करता हूं कि गवर्नमेंट के लिये उस समय हस्तक्षेप करने का कोई मज़बूत कारण नहीं था । लेकिन अगर यह पोज़ीशन ली जाय कि कभी भी किसी भी बात में गवर्नमेंट को हस्तक्षेप नहीं करना चाहिये यह बात

मैं नहीं मानता । जो इंडिस्ट्रयल डिस्प्यूट्स एक्ट है और जो दूसरे एक्ट्स हैं उन में प्रोवाइडिड है कि गवर्नमेंट हस्तक्षेप कर सकती है । मैं जानता हूं कि जो आई० एन० टी० यू० सी० ने यह स्टैंड कभी नहीं लिया कि जो झगड़ों के फैसले ट्रिब्यूनल में होते हैं उन में गवर्नमेंट को कभी भी हस्तक्षेप नहीं करना चाहिये । हम लोग इस बात पर जोर देते रहे हैं और अब भी जोर देतें हैं कि जो भी ऐसे फैसले होतें हैं गवर्नमेंट को यह देखना चाहिये कि उन से न्याय हुआ है या नहीं । कई बार देखा गया है कि जो ट्रिब्यूनल्ज के या एपीलेट ट्रिब्यूनल्ज के मेम्बर होते हैं वह एक संकुक्ति कानूनी दृष्टि से विचार करते हैं और उस दृष्टि से विचार करतें वक्त वह इस बात को भूल जाते हैं कि यह एक वाइडर सवाल है, एक विस्तृत सवाल है । उन की एक विशाल दृष्टि न होने के कारण, संकुचित दृष्टि से जो फैसले वह करते हैं और उसी दृष्टिकोण से जो वह सोचतें हैं और उस की वजह से कभी अन्याय भी हो जाता है या गड़बड़ी पैदा हो जाती है, उस सूरत में गवर्नमेंट को दस्तंदाजी करनी चाहिये । मैं जब ऐसा कहता हूं तो मैं जजिज पर कोई इल्जाम नहीं लगाता हूं । मैं खुद, बैंकों के मुलाजिमों की कई मीटिंग्ज में गया हूं और मैं ने देखा कि वहां पर भी यह मांग की गई कि शास्त्री एवार्ड के अन्दर और दूसरे फैसलों के अन्दर गवर्नमेंट को तबदीली करनी चाहिये । खुद बैंक एम्प्लायीज ने यह कहा कि शास्त्री एवार्ड में तबदीली होनी चाहियें बावजूद इस के कि वह एक आखरी एवार्ड था । इसलिये यह पोजीशन लेना कि कोई भी एवार्ड हो उस में गवर्नमेंट को हस्तक्षेप नहीं करना चाहिये, इस को मैं नहीं मानता हूं । मैं समझता हूं कि गवर्नमेंट की पोजीशन साउंड है । हां, मैं यह चाहता हूं कि उसी सूरत में तबदीली होनी चाहिये जबकि बहुत जबर्दस्त कारण मौजूद हो और बहुत जबर्दस्त ग्राउंड्स हों इस में तबदीली करने के और उसी वक्त कोई तबदीली होनी चाहिये जबकि वह तबदीली करना निहायत जरूरी हो । मुझे याद है कि पहले एक दफा गवर्नमेंट ने चाय के वर्कर्ज के बारे में जो एवार्ड दिया गया था उस के अन्दर तबदीली की थी और सही तबदीली की थी क्योंकि चाय के वर्करों के साथ कुछ अन्याय होता था और इस तरह एवार्ड में तबदीली कर के चाय के वर्कर्ज की मदद की जा सकी । हमारी राय थी कि बैंक एवार्ड में गवर्नमेंट जो कुछ तब्दीली कर रही है, वह जस्टिफ़ाइड नहीं है, वह उचित नहीं है—इसलिये नहीं कि गवर्नमेंट को एवार्ड में कोई तब्दीली करनी ही नहीं चाहिये, बल्कि इसलिये कि गवर्नमेंट के सामने सही वाक़यात नहीं हैं । अगर सही वाक़यात को सामने रख कर देखा जाय, तो यह तब्दीली करना नामुनासिब है—यह तब्दीली नहीं करनी चाहिये । मुझे इस बात की खुशी है कि गवर्नमेंट ने कमीशन बिठाया । मैं गवर्नमेंट को मुबारकबाद देता हूं कि उस ने लोकमत को सुना और कहा कि अगर यह ख्याल है कि यह तब्दीली फ़ैक्ट्स को मद्दे-नजर रखते हुए जस्टिफाइड नहीं है, तो हम सारे मामले पर गौर करने के लिये एक कमीशन बिठाते हैं । मैं अपने मंत्री महोदय, श्री खंडूभाई देसाई को मुबारकबाद देता हूं कि उन्हों ने इस आफिस को सम्भालते ही पहला काम यह किया कि एक कमीशन बिठाया ताकि वह फ़ैक्ट्स को देखे और सोचे कि जो तब्दीली गवर्नमेंट ने की है, उस की कोई सही वजूहात थी या नहीं, वह तब्दीली जस्टिफ़ाइड है या नहीं । मैं मुबारकबाद देता हूं बैंक एम्पलाईज को, कमीशन को और गवर्नमेंट को कि जो फैसला किया गया है, उस से जो हमारी पहली कन्टेन्शन

[श्री ए० एन० विद्यालंकार]

थी कि तब्दीली जस्टिफ़ाइड नहीं है, वह साबित हो गई । गवर्नमेंट का यह काम बहुत काबिले-तारीफ़ है कि उस ने इस फ़ैसले को स्वीकार किया । वह किसी किस्म की ज़िद पर नहीं अड़ी रही कि हम ने यह तब्दीली की है, हम इस फ़ैसले को क्यों मानें ।

हमारे सामने जो स्टेटमेंट आफ़ आबजेक्ट्स एंड रीज़न्स है, उस में साफ़ कहा गया है कि गवर्नमेंट ने पहले जो फ़ैसला किया था, वह नामुकम्मल फैक्ट्स की बिना पर किया गया था । अब गवर्नमेंट न फैक्ट्स की तहकीकात की है और अपने फ़ैसले को मोडीफ़ाई किया है । इसलिये जो बिल इस वक्त यहां पर पेश किया गया है, मैं उस का स्वागत करता हूं । लेकिन जैसाकि मैं ने कहा है, जो कुछ फ़ैसला एपेलेट ट्रिब्यूनल करे या ट्रिब्यूनल करे या कमीशन करे, मैं नहीं मानता कि वह आखिरी फ़ैसला है और उस में कोई तब्दीली नहीं होनी चाहिये । अगर हम यह स्टैंड लें कि जो फ़ैसला हुआ है, हम उस को वैसे का वैसा ही मान लें और उस में कोई तब्दीली न करें, तो उस बात को मैं नहीं मानता हूं । जो फ़ैसला हुआ है, उस में काफ़ी गुंजायश है इम्प्रूवमेंट की और संशोधन की । वह इम्प्रूवमेंट या संशोधन आप कैसे करें, इस सवाल को मैं नहीं छेड़ता हूं । जो बिल पेश किया गया है, मैं उस को स्वीकार करता हूं और उस का समर्थन करता हूं, लेकिन मैं यह ज़रूर कहना चाहता हूं कि हम को यह सिद्धान्त हमेशा अपने सामने रखना चाहिये और उसी के मुताबिक काम करना चाहिये कि जहां पर भी लोगों के साथ अन्याय हो, उस को रोकना चाहिये, जहां भी हम किसी किस्म की एनामेलीज़ या कमियां पायें, उन को दूर करने के उपाय ढूंढना हमारा फ़र्ज़ है । मैं यह अर्ज़ करना चाहता हूं कि इस कमीशन के सामने कुछ मर्यादायें थीं । उस ने समझा कि एपेलेट कोर्ट का जो एवार्ड है, वह एक हद है और उस हद से—उस परिधि से—वह बाहर नहीं जा सकता । वह एक सीलिंग है और उस से ज्यादा हम कुछ नहीं दे सकते—अगर हम देना चाहें, तो भी । मैं समझता हूं कि यह एक फ़ैक्ट-फाइंडिंग ट्रिब्यूनल था । उन ने महज़ इस बात पर गौर किया कि मौजूदा हालात में इस बात में कोई जस्टिफिकेशन है या नहीं कि ये चीजें एम्पलाईज़ को दी जायें या नहीं । इस परिधि में, इस सीमा के अन्दर रह कर, उस ने विचार किया और ज्यादा बाहर वह जा भी नहीं सकता था । मैं अर्ज करना चाहता हूं कि बैंक एम्पलाईज को एपेलेट ट्रिब्यूनल के एवार्ड के बारे में भी शिकायतें थीं, उस में कुछ कमियां थीं, कुछ एनामेलीज़ थीं । अब जबकि हम पांच साल के लिये पाबन्दी लगा रहे हैं, क्योंकि एक बहुत लम्बी अवधि है, तो कम से कम अब हम को उन कमियों और एनामेलीज़ पर विचार करना चाहिये ।

जिस वक्त ट्रिब्यूनल का काम चल रहा था, उस वक्त कुछ इन्क्रिमेंट्स रोके गये थे । वे दौरान अदालत में रोके गये थे । उन के बारे में कोई फ़ैसला नहीं हुआ और जिन के इन्क्रिमेंट्स रोके गये थे, वे रेस्टोर नहीं हुए । कमीशन के फ़ैसले के मुताबिक जिन के इन्क्रिमेंट्स रद्द हो गये थे, वे वैसे के वैसे पड़े रहे । इसी प्रकार यह अन्याय होगा कि जिन को जो कुछ आज मिल रहा है, उस में हम कटौती करें या कुछ वापिस ले लें । हमारी सारी रीज़न—दलील—यह रही है कि बैंकों की स्थिति पे करने की है या नहीं । बैंक अब तक जो कुछ अपने मुलाज़मों को दे रहे हैं वह सब देने पर भी

उन की आर्थिक स्थिति को कोई खतरा नहीं पहुंचा—वे मजे में चल रहे हैं और समृद्ध हो रहे हैं—वे बदस्तूर चल रहे हैं, टूट नहीं गये । हमारी कन्ट्रोल्ड इकानोमी है और जिस तरह से हम तरक्की कर रहे हैं, उस को देखते हुए हमें यकीन है कि बैंक प्रास्पर करेंगे । क्या वजह है कि अगर बैंक प्रास्पर करें, खूब कमायें, तो उस प्रास्पेरिटी का शयर वर्कर्ज को न मिले ।

मैं चाहता हूं कि उस सिद्धान्त के ऊपर, जोकि मैं ने आप के सामने रखा है, गवर्नमेंट को इस बात का अधिकार है कि जहां पर भी वह एनामेलीज देखे, वह जहां पर भी अन्याय होता देखे, वहां वह अपने डिसिजन में तब्दीली करे । मैं चाहूंगा कि इस तरह की एनामेलीज, अन्याय और उन शिकायतों के सम्बन्ध में जोकि बैंक एम्पलाईज रख रहे हैं, गवर्नमेंट विचार करे, और कोई तरीका निकाले, जिस से उन लोगों की शिकायतें दूर हो सकें । मैं यह आशा करता हूं कि इस बात का खास तौर पर ध्यान रखा जायेगा ।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं ।

Shri S. S. More: I know very little of banking business because I belong to that category of persons whose family economy is always a deficit economy, but all the same, having a deficit economy I know from personal experience the hardships of persons who are not properly paid or who do not earn sufficiently to maintain a certain standard.

Before I proceed to make my observations, I should like to begin my speech by appreciating the services which Shri V. V. Giri has rendered to the cause of the bank employees. I have the greatest regard for Shri Giri. In Sanskrit language, *giri* means mountain, and many rivers flow from mountains. At least from this mountain I know the river of self-respect flows in abundance, and it was due to that......

Shri C. D. Pande: If Shri V. V. Giri is the mountain, Shri Khandubhai is the river flowing therefrom.

Shri S. S. More: My submission is that Shri Giri was one of those persons who add greatness to the office that they occupy, while there are many who are made great by the office that they occupy. Having appreciated what Shri Giri has done, I would say that in this question of bank employees certain aspects arise. We have already passed a Constitution, which is supposed to be a Constitution to narrow the gulf between the have's and the have-note's. We have also specifically declared that we want to go towards a socialist pattern. Now, what is happening? We give something to those who shout, to those who agitate, in a sectional manner. I must make a request to the hon. Minister, Shri Khandubhai Desai, and also to his other colleagues that they should not approach this problem of pay and remuneration in a piecemeal and patchy manner. Our objective is that in this country every man should have the necessary means for maintaining a decent standard of life. But what is the position? Take, for instance, the unorganised labour, the landless labour or other labourers. They are not organised; they are not in a position to agitate; they are not in a position to unite and apply their pressure of agitation to the Government. Therefore, their cases go unheard and uncured. Because the bank employees were a small lot of people, well-organised and have, so to say, the nerve-centre of the whole economy of this country in their hands, they could threaten to strike and that threatening has its own effect. Therefore, Government was forced to take prompt steps. We want to remove these disparities. We want to remove all the causes of economic discontent. I do agree with Shri Tulsidas that we want peace and tranquillity in the

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industrial sphere. Why in the industrial sphere only? We want peace and tranquillity in all spheres of our social economy. If that peace and tranquillity is to be preserved, the Government must come out with schemes of minimum wages or living wages for every section of the people. Not only minimum wages, but they should come out with maximum wages that a man can get for his job. Shri Tulsidas was prepared to say that the summit people carry a great load of responsibility and therefore their salary should be tuned to the weight of the load that they carry. I have not gone to the summit anywhere, except the summit of poverty. I want to ask, what is the responsibility that these summit people carry? It is the lower staff that carry all the responsibility. The cashier is in charge of the cash window. If money is short, he has to pay. There is somebody in charge of this department or that department. If there is any deficiency or trouble, he has to stand all the adverse song that can be sung by the management at the top. My submission is that in this country, remuneration whether in the public sector or the private sector should be tuned to the needs of the man. What are we doing here? We say that such and such office will carry so much of pay and dearness allowance. That should not happen. We should look to the occupants or incumbents of the office, and see what are their needs. In this unfortunate country, bachelors who have come from England, with no dependents on them, simply because they happen to be equipped with better educational qualifications, are getting Rs. 500 or Rs. 600 or Rs. 1000 as starting pay and all this pay goes either to their banks or their luxury account. Take the lower cadres, the class IV persons. They have large families to maintain. In spite of that, because they are unfortunate to be placed in the lower level, in spite of their great social needs, a proportionately high salary is not given to them. I want to make a constructive suggestion to the Government. They should evolve 4 blocks or categories of persons who will have different basic salaries. In the bottom-most level, the basic salary should be Rs. 100 or something like that. In the second category, higher tier, let it be Rs. 300. In the third, let the basic salary be Rs. 600. The topmost may be Rs. 1000. In addition to this basic pay, I would say that if a person has a wife, give him a wife's allowance. If he has one child, give him a child's allowance. If he has 4 children, give him allowance in addition. It may be argued that this will be an incentive to add more to the population. But, I speak......

Mr. Chairman: Order, order. The Minister has to reply at 4-10. There are one or two other speakers. It will be better if he will kindly finish.

Shri S. S. More: I know the pressure of time. All the same, I would like to make this constructive suggestion.

With your permission, I would like to say one thing. When we come here, we see, the bank workers start an agitation and we come out with a Bill. The working journalists start an agitation and we have another Bill. This sort of piecemeal treatment will not solve our problem. It is no use merely saying produce or perish. You must see that in this country everyone, whatever his intellectual equipment, whatever office he occupies, has his essential needs satisfied. Many people demand: Capital has to be remunerated; intellect has to be remunerated. Responsibility has to be remunerated. But what about the physical family-needs of a man who is not fortunate enough to make his voice heard here in Delhi or in the other big towns? So far as this measure is concerned, I do appreciate what the Government has been doing. I am in a position to appreciate the great labour that Justice Gajendragadkar has bestowed. But, even he will not expect that our appreciation should be unqualified.

There are some mistakes. One mistake that he committed according to me is, in spite of the very broad terms of reference to him, in para 33, he says, "I am a sort of a reviewing authority." Limiting himself to the position of a reviewer, he circumscribed his own powers very much.

So far as this recommendation is concerned there are certain hardships which follow. I shall quote one or two instances and then you shall be pleased to ring the bell to warn me to resume my seat. I am giving two instances. After the Sen Award certain employees have been allowed to draw higher pay which they will have to return now. I am quoting the case of a man who is getting Rs. 377. According to the Government's orders, he will have to return, Rs. 21 per month. Every month he will have to return Rs. 21. That would bring his pay to Rs. 356, let us say in March 1950.

Mr. Chairman: Could he not send all these details to the Minister?

Shri S. S. More: I respect what you say. A person who is getting Rs. 377, due to the cuts plus the increments that he will be getting, on account of these deductions, he will be getting Rs. 338 at the end of March 1958. From Rs. 377, he would have come down to Rs. 338. Ordinarily he will be getting Rs. 377 plus Rs. 36 as the increments. That would be Rs. 413. Due to these deductions, he will be getting Rs. 338, that is Rs. 75 less. I will not go into the other case, because it is a similar one. In a poor man's economy with a larger family, this sort of deduction is bound to cause a lot of inconvenience and upset his family budget. Therefore, I would say that instead of asking him to refund the amounts which he has received due to certain orders or awards, it would be much better if this amount could be adjusted against the increments that he is likely to get. It may cover a longer period. Shri Gajendragadkar has also computed that if it is to be adjusted against increments, it is likely to result in a certain burden on the employers, that is the banks. I feel that in spite of there being this small burden, if we are not out to cause harm and create family troubles by upsetting their family budgetary requirements, it will be better if the Government could see that these adjustments are made in a manner consistent with the economic interests and family interests of these employees.

These are some of the points. In view of the fact that time is very short, I would obey your pleasure and sit down.

Mr. Chairman: I would request hon. Members to take only five minutes because the Minister has to start his reply at 4-15 at the latest.

Shri C. R. Iyyunni (Trichur): Certainly I am very grateful to the late Justice Rajadhyaksha for having visited Travancore-Cochin, I must say, almost at my request. I wanted that he should come and see for himself exactly the conditions obtaining there. As a matter of fact, you will be pleased to remember that out of 500 banks, as many as 160 are in Thavancore-Cochin alone. In Madras, there are a little over 140. Is it not a peculiar feature? In Burma there are 51 and in the U.P. there are 25. There must be some difference between the banks in these various places. What is the difference between the banks in Travancore-Cochin and the banks elsewhere? The difference is that the paid-up capital of many of these banks in Thavancore-Cochin will be very small.

Shri N. Sreekantan Nair: Why?

Shri C. R. Iyyunni: That is a different matter. We are on facts: not on hypothetical bases. We are on facts. Let us know what it is. There are banks which have got a paid-up capital of less than Rs. 22,000—forty or fifty of them. India is a vast country. It is almost a sub-continent, with varying traditions. In the matter of political life, you will find there

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are various stages. For example in Travancore-Cochin the literacy is very high. The population is tremendous and people find it difficult to make both ends meet. It is in such circumstances that the banks spring up. What does the Rural Banking Enquiry Committee say? They say the big banks should go and start branches all over the country so that there may be rural credit. Has one single bank like the Imperial Bank or any other bank catered to the needs of the ordinary man? Nothing, I would say. It is the small banks, it is with the money that they get—it maybe at a higher rate of interest—that people are managing to do some kind of work.

4 P.M.

Sardar A. S. Saigal: Or swallowing?

Shri C. R. Iyyunni: That is the main reason. There are more than 40 banks which have not declared dividend at all. Shri Sreekantan Nair and Shri V. P. Nayar can say they are all quite happy and good. After all, why should we object to the appointment of a commission to go and investigate into these matters.

Shri M. S. Gurupadaswamy (Mysore): It is very bad of them.

Shri C. R. Iyyunni: We can know whether certain rules which will apply to all the banks in the whole of India should be made applicable to them. It cannot be made applicable, that is what I say.

If there is a bank which gives a fair rate of dividend, certainly let the employees be given a fair wage. A fair wage must be given to the employees also, I do not object to that. That is all right, that is necessary also, but when you say whether you make a profit or not the employees must be paid at a higher level, that does not stand to reason. That is my case. My case is that there must be a fair deal given to all people.

Sardar A. S. Saigal: But that is not the case of Shri Nayar.

Shri C. R. Iyyunni: The reason that even the modified award says that the conditions there are very peculiar. That is exactly the wording of the present Judge also who constituted himself into the commission. That is exactly what he says. He says that there are so many peculiarities. We have not got any system or anything like that. There is a lot of difference, and so what I say is let that be properly gone into, and after we have collected all the information before us, let us see whether the scales that are made applicable here can be made applicable to such small States also.

There are two or three peculiarities. One is that the current deposit or demand deposit is much more in the bigger banks all over India and the fixed deposit is much less, whereas there this process is reversed. There, the fixed deposit is much more than current deposits, which means you have to pay a larger interest.

Shri N. Sreekantan Nair: Why run the banks?

Shri C. R. Iyyunni: So, hereafter no banks should be run if the paid up capital is so much or the profit is so much.

We generally do not get any chance to speak and when we want to speak, the bell is rung immediately, and then we will have to stop it. We are also Members who come here after a terrible fight just like others. The Speaker, the Deputy-Speaker and the Chairman should certainly realise that we are also here forming part and parcel of this Parliament.

Mr. Chairman: Shri Bhagwat Jha Azad.

Shri Bhagwat Jha Azad: What will be the time-limit?

Mr. Chairman: Well, five minutes.

Shri Bhagwat Jha Azad: Sorry, I do not regard myself an expert like those who can express their ideas in five minutes. I have been here on this assurance that I would be given a chance two hours ago. Therefore, I humbly express my unwillingness to have this consolation prize.

Mr. Chairman: Shri C. D. Pande.

Shri C. D. Pande: Madam, I want to make a brief observation about certain anomalies that have crept into this Bill and which were originally in the award.

It is very rarely that there are so many bouquets thrown at the Minister who moves a Bill in this House, and in this case, the bouquets are well deserved. Shri Khandubhai Desai deserves all praise for bringing forward such a Bill which has given so much satisfaction to all quarters in this House. And Shri Giri also deserves to be congratulated. Shri Giri is indeed the source of inspiration and this bill is the result.

Coming to the point, the award has got certain anomalies which are so obvious that the Labour Minister I hope, will find it possible to remedy them. As has been pointed out by Shri V. P. Nayar, the creation of a D area is an unfortunate one, and it is an unjust one. What is the rationale; what is the basis for creating this D area? Surely, the rationale or the basis should be the cost of living. We know the hill stations are places where the cost of living is high, higher than in most of the places in the plains. According to this bill the wages are not going even to be stationary, but they will be reduced. A deputation of bank employees from Naini Tal came to see me. I was rather surprised, and I told them: "Nowhere have I heard any complaint against this measure, and you come here to protest against it". They said: "We are the only unfortunate persons who have been deprived of the benefits of this award; not only the benefits, but we have been penalised and we shall lose even what we were getting so far." So, I strongly feel that there should be no position under which the people should get less than what they already get. Naini Tal, Simla, Darjeeling, Shillong—these are the places which are very particularly affected by this award. In South India Shri Nayar says there is Alwaye which also suffers. There may be other places also, but the hill stations particularly have suffered greatly.

One thing more. The banks that are operating there have got the highest capacity to pay. There is no question of capacity to pay because in Naini Tal alone there are two banks. One is the State Bank of India, the *ex*-Imperial Bank; the other is the Allahabad Bank. These are the banks which are operating generally in the hill stations and there the cost of living is much higher and they will get less. The anomaly will be clear by the illustration that the people living in Naini Tal will get a lesser wage than those in Haldwani. Most of the Members may not have heard the name, it is a semi-urban town, with a population of 30,000. The Bank employees there will get a higher wage than the workers in Mussorie, Shillong or Ooty. Therefore, this obvious anomaly has to be corrected.

I think if a sympathetic approach is made, clause 6 will admit of this remedy, because anomaly is also a difficulty or a doubt. If a doubt or a difficulty can be solved by reference to the tribunal, surely an anomaly can be remedied—even by the Minister himself or those persons who will work this award.

Then there is one more anomaly that I will refer to, and then I wi have done. There happens to be a dispute in a banking organisation. and they are fortunate in getting an award. There is no reason why people similarly placed in industrial and commercial concerns should not have the benefit of the higher wages. What is the justification that a bank employee should have higher wages and the next-door insurance employee should get less or those in

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commercial firms should get less. There are big industrial houses and conmmercial houses, and I think the demand will come, and rightly so, that there should be equality of wages between bank workers and insurance workers and those working in the big industrial and commercial houses.

If these two anomalies are removed, we will give complete satisfaction to all the workers of this category working in our country. I hope this bill will be followed by similar measures to fix emoluments in other spheres.

Dr. Jaisoorya (Medak): There are two important lessons that we have to learn from this incident, if I might so call it. It is true, as Pandit Thakur Das Bhargava has said, that an award under the Industrial Disputes Act is not binding on our Government; but peculiarly enough our Government can make both other parties obliged to accept that award. But if it goes against Government, Government can refuse to accept it. This is one anomaly that is there. Anyway, this should be a very salutary lesson to Government that they cannot trifle with serious judicial decisions.

Let us even assume that Government were badly informed about the facts in this case. But it is surprising that a serious institution like the Reserve Bank of India should be badly informed. If the Reserve Bank of India can make such bad mistakes and such serious mistakes, what can we expect from the other departments which make still worse mistakes? The Estimates Committee and the Public Accounts Committee have drawn attention to the serious lacunae and misjudgments that have come up from time to time. Therefore, it is high time that Government should take this lesson to heart, and not interfere with things with which they have no business to interfere. That is my first point.

The second point is this. Having accepted this, let us now see where the mistake lies. The mistake lies in this; namely, that it is not the Sen Award but the Sastry Award that has now come into effect with slight modifications. The Sen Award was frozen, and people got used to the wages which were fixed by the Sen Award. On the Sastry tribunal, I regret to say—I want to be corrected if I am wrong—there was the *ex*-General Manager of the Punjab National Bank. That was what the bank workers objected to. I again stand open to correction on this point. The Sastry Award was much worse than the Sen Award, and what we are trying to do today is to apply this Sastry Award. So, that will not solve the problem at all.

Again, look at the anomalies arising out of the recommendations of even the Central Pay Commission. One of the anomalies is this: You can treat the Hyderabad State politically as a Part B State; I have no objection to that. But how can you bring it within the B group, when the cost of living index is higher?

Shri C. D. Pande: Now, dying index.

Dr. Jaisoorya: Whether it is living index or dying index, the index is higher. So, these artificial distinctions have got to be corrected. Now that you have made up your mind to make amends, I would say that you should take a ratinonal view of the situation. The criterion of judgment is only the cost of living index, and not your divisions into categories A, B, C and D. Therefore, I want you to correct this anomaly in regard to Hyderabad. Otherwise what will happen is that again there will be a rat tail of complaints, and dissatisfactions will arise which will lead to further litigation, and further troubles against which all these laws will have no effect.

My third point is that you cannot freeze the wages for a period of five years. We do not know what the conditions in India are going to be during the next five years. We do not even know what the future of the Five Year Plan will be. So, what is the point in freezing it for five years? Legally it is binding only for one year. Let us abide by the existing law, and see how things are; if the indices change then we shall consider the problem further. If the indices fall, I think the workers ought to accept a lower pay. If you cannot reduce the cost of living index, then I say you have no right either to freeze or to reduce the scales of pay of these people. That is all I want to say. It is a very simple matter. It is a very rational matter. I have no use for legalism at all. So, let us look at the problem concretely, and as need arises we shall adjust things.

Shri Khandubhai Desai: While listening to the debate very carefully, I found that all the Members have paid compliments to the Bank Award Commission for its labours. They have also said very rightly that Shri Gajendragadkar has gone into the question of this longstanding dispute with diligence, integrity and hard work, and he has placed before us his recommendation, which is the last word on this much-prolonged dispute.

As far as facts, information etc. for adjudication are concerned, I think this last Commission had before it the Sen Award, the Sastry Award, the award of the Appellate Tribunal, and Government's modification of that award. Besides the Commission had also the advantage of having on its table, in a cold temper and not in a legalistic way, the examination and cross-examination by both the parties as regards the facts and arguments advanced before it. And here is this judge who in the light of all this, has come to the definite conclusion that the bulk of the employees should be given the same remuneration and emoluments as had been given by the award of the Appellate Tribunal. After hearing all sides, he has come to the conclusion and recommended that the area IV created in the interests of rural banking by Government's modification should also be accepted. He has also gone into the question of the class C Banks, and suggested that in the case of eight banks, the Appellate Tribunal's award should apply, whereas in the remaining nine cases, Government's modification should apply.

As far as Government are concerned, they have accepted all the recommendations of this Commission—which has the last word on the subject, and to which such high compliments have been paid—without changing anything. We accept all the recommendations which are today before this House for enactment.

A point has been raised that Government should not have modified the Appellate Tribunal's award. I would like to say that Government had modified it in August 1954 on the basis of certain facts which had been collected by the Reserve Bank for the period up to June 1954. The Commission has said that Government had not noted the trend or the forecast, therefore there may have been an error, but Government have erred on the sale side. As soon as this matter was brought to the notice of Government, saying that it required further investigation, Government accepted that suggestion and appointed this Commission. Fortunately, the banking industry has shown a better trend. The Commission had before it the subsequent one year's working of the banks, which shows that the deposits have grown up to Rs. 1000 crores. At the same time, the Commission also feels that they should go further; and it has recommended that the banks' position is sound and therefore the recommendations contained in the Appellate Tribunal's award should be implemented. So much for the justification for modifying the Appellate Tribunal's award in the first instance. Apart from this, this justification has also been confirmed by the Commission as being in the interests of the extension of banking in rural areas where a little lower scale of wages are indicated. This House very recently (in the last session) passed the State Bank Bill

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which is meant to benefit the rural areas, both in the matter of giving them loans and at the same time mopping up savings. We want rural banking in India to be extended and the Finance Minister has already promised this House that in a very short time he will be opening about four hundred branches of the State Bank in the country. So, the main purpose for which the modification was made, the House will agree with me, has been confirmed by the Commission. This is all I have to say regarding the modification.

Now, a point was raised by Shri Asoka Mehta as to whether Government accepts all the reasonings of the Commission. The reasonings by which the Commission has come to these conclusions are no doubt weighty and whenever such questions would arise either before a tribunal, or Government, or the Planning Commission, they will receive the weight which they deserve. It is not that in a Bill of this sort Government lays down that they accept all the reasonings. This is all I can say as far as this particular question is concerned.

It was argued that the standard of living of the bank employees will go down as a result of the recommendations of the Gajendragadkar Commission. Certain anomalies that are likely to arise were also pointed out. I may tell the House that are not anomalies. The Commission has gone into this question in detail and the implementation of its recommendations is not likely to create anomalies. But it is likely that in the case of employees of banks in some areas, there is a possibility that, for the time being, without taking into consideration the increments that are likely to come henceforth according to the wage-scale it might go down. But then there is always a provision: that provision has been accepted by the Shastri Tribunal, it has been confirmed by the Appellate Tribunal, it has been confirmed by the modification of Government and it has now been confirmed by the Commission. I would refer the House to page 177 of the Report.

> "Employees should be entitled to the right of option to the existing terms of service, as confirmed by the Labour Appellate Tribunal decision for the period for such option mentioned in that decision should as a consequence of my recommendation be re-fixed and extended to three months from the date of pronouncement of the Government's final decision on my report. Where employees of any bank have already exercised their option on the assumption that the Government's modified decision has come to stay, such option should be allowed to be revised and another opportunity given to the employees to opt either for the final decision of the Government (which this House will enact very shortly) on my report or for the terms offered by the individual banks."

As far as safeguarding the existing emoluments are concerned, the bank employees have the option to opt for the existing terms of service as confirmed by the Labour Appellate Tribunal decision; but, then, as far as the recommendations of the Commission are concerned, which are more or less based on the Labour Appellate Tribunal's award, there are additional advantages. The employees cannot opt for one and say that the Appellate Tribunal's award should be extended in other cases.

Shri C. D. Pande: Should the option be final, or it is changeable after some time?

Shri Khandubhai Desai: Of course the option will be final; it cannot be changed. He would have to opt for one or the other.

So far as the present standard of living is concerned, it has been taken into consideration by all the courts and the Commission has also taken care to see that as far as the existing conditions of service as confirmed by the Appellate Tribunal are concerned, they can opt. If the workers have opted last August for the Government modification which has now been modified by the Commission at the higher rates, they are again given the option for three months; now if we make this law effective, three months will be given to them to opt. They have to judge whether the existing scale as it is is to their benefit or the old scale which they are getting is to their benefit. That is all I have to say regarding this modification.

Pandit K. C. Sharma: That option will be binding only during the currency of this Act, not for ever.

Shri Khandubhai Desai: Of course.

Then there is one other point with regard to the creation of the three classes of areas—the Government modification has created a fourth area. Now, these areas are more or less according to the decision of the courts, and a rough and ready method of judging the cost of living. There are three areas: these have been confirmed throughout. Justice Gajendragadkar has also confirmed these areas. As far as these areas are concerned, I think the Pay Commission also has taken them into consideration; they were based on the census of 1951. To go into the cost of living indices as they obtain in one area or the other, one city or the other, will only create more disputes and more anomalies. Some standard has been laid down and it will be wise on our part to accept that standard.

Shri V. P. Nayar: That results in wage-cut.

Shri Khandubhai Desai: It does not result in wage-cut because those workers have the option not to go in for that.

Dr. Jaisoorya: Are not the cost of living indices subject to revision from time to time?

Shri Khandubhai Desai: They are liable to revision. But as far as the areas are concerned, they have been divided on the basis of population in every city—a rough standard has been taken. As far as the revision of those areas are concerned, it is for the Government to decide from time to time whether some area should be upgraded or some area should be downgraded. That is an entirely open question.

Much has been made out about the Travancore-Cochin area. It has been admitted by all that Travancore-Cochin area presents a particularly difficult situation.

Shri C. D. Pande: It is a constant headache.

Shri Khandubhai Desai: Therefore, the Gajendragadkar Commission recommended that Government should take early steps to appoint a Commission to look into the banking activities of Travancore-Cochin area. The Gajendragadkar Commission has definitely stated that the Travancore-Cochin area is over-banked. Those banks are very small and they have lent out money also on land and personal security. The banks are very small and so the term of reference to a sort of Commission which may be appointed is to see how these banks can be amalgamated to have an efficient system of banking in the Travancore-Cochin area.

I should like to announce to the House that Government has accepted this recommendation and soon will appoint a commission to look into the question of the banking system in Travancore-Cochin as well as to look into the question of the emoluments there, whether those people can be fitted, after the inquiry, into one of these categories.

Shri C. R. Iyyunni: Thank you, Sir,

Shri Velayudhan: They don't affect the rural population.

Shri Khandubhai Desai: One point had been made by some hon. Members. Mr. Giri has also said that this award should have operation only for

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a year. We have provided in the Bill that it should operate till 1959. Nearly one year and a half have already passed since April 1954. We feel that by the operation of this law, 7 or 8 years of bickerings and bitterness among the employees and the employers of banks should be put an end to for some time to come. Therefore, we have provided that the Act should operate for 5 years, that is for 3½ years more.

Shri V. P. Nayar: So the wage cut also will be frozen?

Shri Khandubhai Desai: There is no question of wage cut. The people are given the option. They are perfectly entitled to opt for the same.

Shri N. Sreekantan Nair: Is it under the Sen Award or under the original scheme?

Shri Khandubhai Desai: The Sen Award was in 1950. They are getting this for the last 4 or 5 years. (*Interruption*). The people have to opt if they want to get into the pay scale as prescribed by the Appellate Tribunal. They are perfectly entitled to come in for that. In the initial stages there may be some reduction here or there but in the ultimate analysis they will get an advantage out of it.

As I said in my opening speech, the Gajendragadkar Commission gives to the bank employees nearly Rs. 54 lakhs or more today. Therefore, those people who are going to get additional increase will opt for that but those who would not like to be governed by the recommendations have the perfect right to opt and that option is given to them for the next 3 months.

Mr. More has made an interesting suggestion about three scales for the whole country. I do not know whether it is constructive.

Shri S. S. More: Why not?

[MR. DEPUTY-SPEAKER *in the Chair*]

Shri Khandubhai Desai: All such suggestions which apparently look good will always receive the consideration of public opinion in due course. That is all I can say; you have got to create public opinion for this purpose.

Shri S. S. More: That does not mean that my suggestion is not constructive.

Shri Khandubhai Desai: At present that interesting suggestion is not relevant to the present Bill or discussion. Mr. Jaisoorya said about Shri Sastri. According to my information, Shri Sastri has nothing to do with any bank as manager or otherwise.

Dr. Jaisoorya: I did not say so. On the Sastry Tribunal there was another man of the Punjab National Bank. I never accused Shri Sastri.

Shri Khandubhai Desai: He had been taken in as an economist; he had been the Principal of the Sydenham College of Commerce and has got banking experience.

Dr. Jaisoorya: No, no. He was in the Punjab National Bank; I forget his name.

An Hon. Member: Shri Tanen.

Dr. Jaisoorya: I do not remember the name. (*Interruption*).

Mr. Deputy-Speaker: Hon. Members will have very many opportunities to speak; let them not interrupt.

Shri Khandubhai Desai: I think I have replied to all the important points that had been made by hon. Members. I think them for giving a compliment to Justice Gajendragadkar for going very thoroughly into the question.

Pandit Thakur Das Bhargava: What about the Narang Bank?

Shri Khandubhai Desai: About the Narang Bank the Commission has stated that it has not got the agreement approved by both the workers and the bank. That is their finding. Pandit Thakurdasji appears to contest that finding and says that it is an error.

Pandit Thakur Das Bhargava: It is on your file.

Shri Khandubhai Desai: But the Commission have stated that they have not got it. Therefore, they have excluded this bank from the operation and if there is an agreement entered into between the employers and the employees, of course, this will not apply to them. Why should it apply?

Yesterday I got a phone call from Calcutta saying that the United Bank of India has entered into an agreement with its employees which is probably more favourable to them than what has been decided in this particular Bill. If that is more favourable to the employees that will be agreed to and will have its own implementation. What this Act lays down is that any condition which is less favourable than what has been provided under this Act will not be permitted to prevail. If you want to pay a little more, you are perfectly entitled to do so.

Pandit Thakur Das Bhargava: If there is an agreement which has been accepted by both parties and that is put up before you, then, you cannot refuse to recognise it.

Shri Khandubhai Desai: I will only say that I will look into this question.

Shri Tulsidas: I would like to know about the suggestion I made about the simplification of interpretation, of clause 6 (1).

Shri Khandubhai Desai: I think it is as far as the provision of the Appellate Tribunal is concerned—whether Government will refer this to an Appellate Tribunal or one single judge. According to the amendment that my colleague is moving, I do not think there will be any difficulty whatsoever.

Pandit Thakur Das Bhargava: If there is a mistake will it not be corrected? If there is a mistake, it should be corrected. Even under the Civil Procedure Code there is the power of review always.

Shri Khandubhai Desai: When we add the word, 'mistake' or 'error' there, one does not know what avenues it will open up.

Pandit Thakur Das Bhargava: When the mistake is apparent on the face of the record?

Mr. Deputy-Speaker: Has the hon. Minister finished?

Shri Khandubhai Desai: Yes, Sir.

Mr. Deputy-Speaker: Now, we will take up the amendment.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th November. 1955."

The motion was negatived.

Mr. Deputy-Speaker: Now, I will put the motion for consideration.

The question is:

> "That the Bill to provide for the modification of the decision of the Labour Appellate Tribunal, dated the 28th day of April, 1954, in accordance with the recommendations of the Bank Award Commission and for giving effect to the award accordingly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (*Appellate decision, etc.*)

Mr. Deputy-Speaker: Shri V. P. Nayar.

Shri V. P. Nayar: I do not want to make a long speech.

Mr. Deputy-Speaker: He has, I think, already spoken on this Bill.

Shri V. P. Nayar: I have so worded the amendment that if I really missed some points, I could take advantage of this amendment.

Shri M. S. Gurupadaswamy: My amendment No. 3 is also similar.

Mr. Deputy-Speaker: What are the other amendments to this clause? There is Shri Sreekantan Nair's amendment, No. 4. Then, there are two amendments of Pandit Thakur Das Bhargava, Nos. 10 and 11.

Shri V. P. Nayar: I beg to move:

Page 2—

after line 12 *add*:

"Provided however, that wherever the adjustment has resulted in total emoluments comprising of pay, dearness allowance, special allowance and House rent allowance, being reduced to that of the total emoluments under the above heads as obtaining on the 31st March, 1954, the difference shall be paid by way of an additional allowance (to be called Temporary Adjustment Allowance) until such difference is fully absorbed by normal annual increments in the scale prescribed by the Commission."

Shri M. S. Gurupadaswamy: I beg to move:

Page 2—

after line 12, *add*:

"Provided, wherever as a result of the adjustment as directed, the total emoluments under the new scale, made up of basic pay, dearness allowance, special allowance, and house rent allowance fall short of the total emoluments of any workman under the above heads as on the 31st March, 1954 the difference shall be given to him by way of an additional allowance (to be called Temporary Adjustment Allowance) until such difference is fully absorbed by future increments in the new scale."

Shri N. Sreekantan Nair: I beg to move:

Page 2—

after line 12, *add*:

"Provided that, notwithstanding anything contained in clause I (b) or I (c) of the recommendations in Chapter XI of the Report of the Bank Award Commission, no employee shall have to receive a lesser remuneration than what he was getting prior to the 24th August, 1954, the surplus amounts in the remunerations being continued as personal allowances till such time as they are covered up by the normal increments under the respective scales of pay or are settled by a fresh award."

Pandit Thakur Das Bhargava: I beg to move:

(1) Page 2, line 6—

after "modifications" *insert*:

"(as modified in sub-section (2) of this section)"

(2) Page 2—

after line 12, *add*:

"(2) The following amendments shall be made in clause 7 of Chapter XI of the Report of the Bank Award Commission, namely:—

(a) *after* '(iv) Pandyan Bank' *add* '(v) Narang Bank';

(b) *for* 'The last two banks' *substitute* 'The last three banks'."

Mr. Deputy-Speaker: All these amendments are now before the House.

Shri V. P. Nayar: When I speak on the amendment, I want the hon. Minister to take an entirely different attitude from what he was taking at the time of his reply. I am sorry you were not here when I produced a dozen photostats making definite allegations and I wanted the hon. Minister to contradict them, but the hon. Minister seems to have very conveniently ignored what I had stated. He did not even care to go through the photostats. On the other hand, Shri Tulsidas Kilachand the Managing Director of one of the big banks who went through them, said that in his bank nothing of the kind would happen because there is so much of incriminating material in the photostats.

Sir. We should take into consideration certain other factors. It is well and good that the hon. Minister says that for the time being they will have no pay cut. I can't accept this as I find there will be wage cuts, no matter what the Minister says. But about 12,000 employees have to remain without any chance of getting an increase in their scale when all the rest will get their increments. I ask you why they should alone be stagnant for a period of five years. It is ununderstandable to us. This particular classification of places has a little history behind it and it is in that perspective that we should see it. This class D did not come in due course. It came rather abruptly and very late in this enquiry and you will find that for the first time the Labour Appellate Tribunal was holding its session in Bombay and after the arguments had been finished by either side, the Government advocate went and filed an affidavit and also a petition asking for this classification. It was definitely under pressure from New Delhi that he did so and there was no doubt about it, but the Labour Appellate Tribunal in its wisdom rejected that application. Subsequently we find the very same process being adopted by the Government which modified the Award. In the modified Award, this class was newly created and it is very interesting to know the arguments of Government for creating class IV. It is by this creation that there is going to be a wage cut. My friend says that there is going to be no wage cut.

Mr. Deputy-Speaker: Has it not been referred to by Shri Sreekantan Nair?

Shri V. P. Nayar: No, Sir, I wish only to focus attention on certain points. The Government's modification was based on four considerations: (1) that such areas employ local people; (2) that the employees have other sources of income; (3) that the cost of living in certain areas is not very high; (4) that in such areas many banks have failed. These were the points which my friend, the Labour Minister, just now reiterated. This category of places was the creation of the hon. Finance Minister. Shri Chintaman Deshmukh was behind it. It is precisely this consideration which hits the workers—such areas employ local people. I want the hon. Minister to tell me what is the percentage of workers belonging to the particular places in which the banks are located; secondly, take even a town like Chandigarh, a place in class III where the State Bank of India having a branch pays at the original rate of B or C is classed D. Then again, there is the question of hill stations. My hon. friend, Shri C. D. Pande referred to this also. The census that was taken in the hilly places was by and large in the winter. All of us know that during winter in hill stations there will be far less people....

Shri Khandubhai Desai: As far as hill areas are concerned, there are two special hill allowances; one is the hill allowance and the other is the fuel allowance, which has been confirmed by the Appellate Court and also by the Gajendragadkar Commission.

Shri V. P. Nayar: Is it the Minister's contention that there will be no discrimination between a person working in a town in the same bank and in a hill station in a branch of the same bank? If it is so, then I have no arguments. If it is not, then I want to put forward my points. All banks have their own rules that their employees cannot seek any other profitable work. If they are found to do any other work, then the bank rules permit the management to give a

[Shri V. P. Nayar]

summary dismissal to such an employee. I cannot understand the principle. You say that the bank employees are local people having an extra income. If the Government of India adopted that principle, then we will find that the hon. Finance Minister, who is a pensioner, must be prepared for receiving less salary for his ministership. There are some others also in the Cabinet who have other incomes *e.g.* Sardar S. S. Majithia—a big landlord. Is it proper for us to say that because they have some other income from their property or whatever it is, we cannot pay them the usual rate where it happens to be a town with a population of 30,000 are bank employees to suffer and receive less? This is very ridiculous and I do not find any logic in it.

If there was the case of one bank having failed primarily because of the wage bill being so heavy as they cannot pay, then there would have been some argument. It is on this account that the whole of the Travancore-Cochin has again been drawn out. Shri Iyyunni said that it is overbanked.

Shri C. R. Iyyunni: I did not say that.

Shri V. P. Nayar: He may not have used that expression.

Shri C. R. Iyyunni: The Labour Minister said that.

Shri V. P. Nayar: All right. The Labour Minister said that and Shri Iyyunni did not say it in so many words; probably he did not know what is overbanked.

Mr. Deputy-Speaker: The hon. Member will avoid references to other Members as being ignorant.

Shri V. P. Nayar: I always praise Mr. Iyyunni's great wisdom. There is nothing that I said against him and it might be a slip if I said anything of that nature.

Shri C. R. Iyyunni: As a matter of fact, I did not use the word "overbanked".

Shri V. P. Nayar: Sir, that only supports what I said.

Mr. Deputy-Speaker: After all, every Member has his own wisdom and sense. Let us not refer to other Members' ignorance etc.

Shri V. P. Nayar: In the case of Travancore-Cochin, the Minister also said that there is some peculiarity. I also admit it, but for the peculiar and economic circumstances, the argument of the Commission is that certain land reforms are in view and they are pending.

Shri Khandubhai Desai: Whatever the peculiar circumstances of the area may be, as I have already announced, we are going to look into the question very carefully by some body who ought to know things much better than we here.

Shri V. P. Nayar: That is not the point. When you are paying some relief to about 70,000 or 80,000 people, why should the State look forward for another commission to be appointed for this purpose? After all, is it such a complicated matter? At least give us a time, and if the hon. Minister says that within a period of two or three months we shall consider it and until then we shall give an interim relief or allowance, then I am satisfied. He only says—he was very chary to use the words 'in the near future'—that as and when he finds time, he will appoint a commission to enquire into this question.

Then hon. Minister did not give us any time-limit. It is a very big problem affecting several hundreds of people who have repeatedly represented to the Government. I think it is only the desire of the hon. Minister to stick to his guns that makes him take this stand. He knows that certain aspects based on which the Government modified the position have come to be disproved; they have been disproved. Government acted on certain assumptions which did not exist. It cost Shri Giri his seat; it also however got Shri Khandubhai Desai his seat. But that is another matter and I do not want to go into that.

If you are keen on it—that is a very big problem—please consider it and give us a very reasonable time—say one month or two months. I want him to give an answer as to what he would do, when he replies; he did not reply to this point while replying to the general debate.

Shri M. S. Gurupadaswamy: After the speech of my friend, Shri V. P. Nayar, I have not much to say on this amendment. I will only submit one or two points for the consideration of the House.

Mr. Deputy-Speaker: Is the same amendment under another head?

Shri M. S. Gurupadaswamy: It is almost the same but there is a little difference.

Here a principle is involved: whether it is desirable to modify or change an award. We have suggested here that this award should be changed with a view to help the employees in respect of their pay. I agree with my hon. colleague, Shri Asoka Mehta when he said that the judicial award should be changed only by a judicial award. It should not be changed by the fiat of the executive. This Bill has been brought forward by the executive and we are discussing a Government measure. But when the legislative wing of the Government so desires to make a change in the award, and if it is good, and reasonable, to that extent the award may be changed or modified. But I still hold that normally judicial awards should not be tampered with and should not be interfered or changed or modified in any manner by the executive. I am sure that most of the Members of this House would agree with me when I say that nobody desires any cut or any adverse effect to the emoluments of nearly 12,000 employees are concerned. All of us are agreed that there should be industrial peace whether in banks, insurance companies or industries. With a view to have industrial peace, it would be desirable and also necessary that there should not be any shift or change or adverse modification in the pay of the employees. If the present Bill is passed as it is, then I am afraid it will create a lot of unrest among the employees because, as I said, nearly 12,000 employees are going to be affected. So my amendment seeks to remedy this. It simply states that the *status quo* may be maintained in respect of the present scale of pay of these employees. It may mean modification but I feel it is not a mere modification. My amendment suggests that in future this may be adjusted and adjustments may be spread over a number of years. So, it is a sort of an exception to the award and postponement by way of adjustment. So, it does not in any way mean any change or modification or shift in the award. I think it is implicit acceptance of the award but with a little change that there will be a period given to the employees to adjust their position. In that period I think there will be no increment in that scale of pay. So, I respectfully submit that it is a very innocuous amendment but an important amendment and that it may be accepted by the House. With these words, I commend my amendment.

Shri C. R. Iyyunni: I want to say a few words.

Mr. Deputy-Speaker: A number of Members have already spoken.

Shri C. R. Iyyunni: It is only with regard to the Travancore-Cochin banks. It is not possible for one piece of legislation to set up scales of pay for all the banks. The Government do not seem to know the extent of India. It is almost as big as Europe except USSR. It is such a big country and there are various places with various habits in various States, which are in various stages of political life, industrial activity and so on. To attempt to bring under one law all these banks

[Shri C. R. Iyyunni]

situated in the various parts of the country is too much. As a matter of fact the different areas should have been taken into consideration and Bills should have been brought under that category.

That is not what has really taken place. The reason for not doing so in the case of insurance companies was given by the Minister; the same reasons will apply for banking institutions a so. He said that they were not going to do it in the case of insurance companies because it would lead to difficulties and complications.

With regard to Travancore-Cochin banks, there is only one point. In the 'statistical data that is supplied by the Reserve Bank we find the categorisation of banks into eleven. Here there are only five categories. According to the awards that had been passed by Shri Sen, Shri Sastry and the present one, there are only five categories. If the Government wanted to bring a Bill which will apply to all, there should be more categorisations of banks; that is not done and that is the difficulty with which Government is now faced. If that was done, there would not have been any difficulty.

With regard to Travancore-Cochin, I beg to submit this point. There are about 160 banks in Travancore-Cochin alone of the total of 500 banks. Is it not something very peculiar? There are a number of very small banks.

Mr. Deputy-Speaker: What is the volume of business?

Shri C. R. Iyyunni: The volume of business is very small. There a person gets only Rs. 60 or Rs. 70 whereas here a peon gets more than that amount. What exactly is the reason why people agree to be employed there? The reason is this. Generally speaking, most of them are people of that place; they have to look after their business. Whatever little money they have got, they are satisfied with it. Not only that; even about the award, there was no complaint from Travancore-Cochin side. There was no complaint from the Travancore-Cochin State. The complaint has originated either from Bombay or Calcutta. In Calcutta about 30 or 40 banks have gone fut and so many crores of rupees have been lost. May I just ask for information how many banks have gone fut in Travancore-Cochin and how many crores of rupees have been lost? In all these banks taken together the total amount was only Rs. 26 crores whereas in one or two banks you will find that the turn over will be about Rs. 30 to 40 crores. All these 160 banks taken together the deposit is only Rs. 26 crores whereas in one bank alone in Bombay the total amount deposited will be much more than that. Therefore, certainly there is something to be looked into and when the Minister says that they will appoint a Commission and that the Commission will make the enquiries, why are people afraid? I do not know. If more information is coming in there will be greater chances to pick holes. If that is not possible, probably, people are afraid that there may not be any case for them. That seems to be the reason.

Pandit Thakur Das Bhargava: Sir, I have already spoken on the subject and I will not take much time of the House. The agreement between the parties was arrived at on the 20th January, 1954 and both the parties jointly applied to the Labour Appellate Tribunal for recording of that agreement. Notice was issued to both the parties that on 31st March, 1954 the agreement was to be recorded. The affidavits of the employer as well as the affidavits of all the employees were sent to the Labour Appellate Tribunal on that date. On that day the Labour Appellate Tribunal ordered something like this: "The general case is with us, but the actual file regarding the particular case between the two parties is not with us".

Then a letter was sent to the bank by the Commission to send replies to the questionnaire. The bank did not on the first occasion reply to the questionnaire and said that, as a matter of fact, they had entered into an agreement and the agreement was in their file and therefore, there was no reason why they should ask the bank to answer a questionnaire. The bank said that it was not in their jurisdiction because the parties had entered into an agreement binding on both parties and as such there was no dispute. Even then they wanted the bank to reply to the questionnaire which it did under protest.

On the 27th August, these gentlemen *viz.* the bank people sent a letter to the Deputy-Secretary. I am submitting that the office of the hon. Minister should have placed all these facts before him. As I read out to the House, para 31 dealt with the case of these banks. Here the case was of these two banks—the Bharatiya Lakshman Bank and the Pandyan Bank. They only sent their agreements to the Bank Award Commission. The Narang Bank employees sent their agreements and affidavits of both the parties, and they were heard. Yet, in respect of these two banks the words are: "Their agreements should also be approved and enforced". In respect of the Narang bank it is said that it has not sent the agreement. The agreements are on the file of the Bank Award Commission. The affidavits are also there. All papers are there in the file, including the replies. What I want is that Narang bank's position may be made similar to that of these two banks who sent their agreements only whereas the Narang bank did something more. The hon. Minister has been pleased to say that he will look into the matter. I am satisfied with that but I would beg of him to kindly also assure me that if Narang bank's case is similar to that of the banks which I mentioned, he will not only look into the matter but he will do justice. I want that assurance from the hon. Minister because if the agreement is such that it binds both the parties there is no occasion for driving the displaced bank out and asking it to seek shelter in some other place. If the bank's agreement is on all fours with the agreements of the banks I mentioned, in fairness the Government is bound to do justice to this bank also.

I am bringing this amendment before you because clause 6 practically bars you from doing anything. If these modifications to the Award are accepted by this House the Minister may well say: "All right. These provisions having been accepted I am *functus officio*. I am not going to do anything." Therefore, with a view to meet certain exigencies provided in clause 6 and to remedy the position of *functus officio* there is another body to which they will refer all cases of doubt and difficulty and there the matter will be settled. But the words are "doubt and difficulty". The Narang bank's case is an apparent mistake. The documents are there in the file and the Secretary or some other....

Mr. Deputy-Speaker: It will come under 'difficulty'. The hon. Member is labouring under difficulty and therefore it will come under 'difficulty'.

Pandit Thakur Das Bhargava: If the hon. Minister says that this will come under 'difficulty' then I am satisfied. I do not want to trouble him any more. The Minister has not got the file just now with him; I only want that he may look into it and pass an order. If he cannot pass an order, then this may be regarded as a case of 'doubt and difficulty'. Otherwise, my amendment may be accepted for it is an apparent mistake and therefore under the provisions of order 47, rule (1), which are applicable even to the tribunals, the bank's case may be allowed to come up and review may be made.

Mr. Deputy-Speaker: That is only a legal explanation given to all reviews. Wherever there is any error apparent on the face of the record no

[Mr. Deputy Speaker.]

additional evidence will be allowed. Merely by looking into the papers it can be reviewed.

Pandit Thakur Das Bhargava: I do not want to put in any further evidence. I do not want to be heard. I only want that if there is an apparent mistake it may be corrected; that is all.

Shri S. L. Saksena: I am very glad that, after all, this long dispute is now coming to an end. The Labour Minister has received compliments also but I would like to make an appeal to him that he should not mar this great Act by one blot. If the pay-scales of 12,000 employees are reduced for the time being, this great Act will be quoted for saying something against the Minister. It is not a very difficult problem and I do not think it will cost more than a few lakhs of rupees. I, therefore, request him that he should at least accept one of the amendments—either No. 2 or No. 4—so that the pay drawn by the workers today should not be reduced and when adjusted in the natural course they may get the benefits of the new Act. Therefore, either of these two amendments may be accepted. Amendment No. 4 which stands in the name of Shri N. Sreekantan Nair reads:

Page 2—

after line 12, *add*:

"Provided that, notwithstanding anything contained in clause I(b) or I(c) of the recommendations in Chapter XI of the Report of the Bank Award Commission, no employee shall have to receive a lesser remuneration than what he was getting prior to the 24th August, 1954, the surplus amounts in the remunerations being continued as personal allowances till such time as they are covered up by the normal increments under the respective scales of pay or are settled by a fresh award."

Mr. Deputy-Speaker: That is the same thing as saying that whatever has been paid in excess shall be written off.

Shri S. L. Saksena: Yes.

Shri N. Sreekantan Nair: This is with regard to the provision for reduction of wages.

Mr. Deputy-Speaker: I am not talking of reduction of wages. Consequent on the reduction of wages they have to refund some money.

Shri N. Sreekantan Nair: That is not wanted.

Mr. Deputy-Speaker: What is suggested is that it may be repaid by way of additional allowances. That is, what you want to take with one hand you give by the other hand.

Shri V. P. Nayar: When it is a question of adjustment in the progressive increments, there is a different meaning for it.

Shri S. L. Saksena: What I suggest is that if you accept this amendment it will not cost the banks much but it will produce much more goodwill and much more appreciation than the amount which will be spent. I would, therefore, appeal to the hon. Minister that he should not mar this Act by this small thing. I think the Commission would have been much wiser if they had themselves made this recommendation. This is against the principle. Generally, we do not accept a reduction in wages which is already existing. The Minister has said that there is an option, but that is not a fair option. If a worker is asked to exercise an option on the basis of which he is bound to get less than what he is getting at present, that is not a fair option.

I would suggest that he should accept this amendment which has been recommended from all sides of the House.

Shri N. Sreekantan Nair: Sir, I want a clarification from the hon. Minister whether the option given to the workers is between the pre-Sen award—that is the scales of pay prior to 1951

—and the new scales, or, whether it is between the scales of pay in the Sen Award and the new scales of pay. That is one thing which I would request the Minister to clarify later on.

Then, I want to point out that in my amendment No. 4, as distinct from my other amendments, I have included clause I(b) and clause I(c). Clause I(c) deals with the other two amendments. I have brought in clause I(b) because it deals with the exemption of the Travancore-Cochin State and whatever increment might have been given in that State in 1954 and up to the time of the award of the Appellate Tribunal, should not be cut. There should be no cut on the remuneration given during that period. There should be no reduction in those wages. It should be naturally so. Because these 17 banks which are parties to the dispute anticipated that they will have to pay something on the basis of the Sen Award and also later on—on the basis of the Appellate Tribunal's award. Some little increments have already been given to them. Now that the enquiry is coming, they will automatically cut those increments so that they may present to the Commission a lesser table of wages. In order to prevent that, I have brought in my amendment. I feel that in spite of the very eloquent plea made by Shri Giri, or, perhaps, because of it this may not be accepted. If it is not accepted, and if the Government thinks of appointing a Commission, at least this provision must be there. The wages which the workers used to get in March, 1954 should not be reduced any further during the course of the enquiry or in between the appointment of the Commission and the Appellate Award. That is the main point which I wanted to bring out.

Another thing I would like to submit is that taking the award well into 1959 will be actually taking the life of this award to ten years and not one and a half or five years. The dispute started in 1945 and went up to 1949 and the Sen Tribunal was then constituted. The award came in 1950 and from that period up till now, five years have elapsed. The same system of wages more or less continues and is going to continue for some more time. To protract the scheme till 1959 means that the same system of wages will continue for a period of ten years. When we are living in a country which is claiming to proceed from a capitalistic pattern of society to a socialist pattern of society, the present position is very hard, very unreal and very unjust. So, I request the hon. Minister to extend the time to two years only as suggested by Shri V. V. Giri.

Shri Khandubhai Desai: I am sorry I cannot accept any of the amendments. As I have said, the Commission has gone into the whole question in detail and has placed before us its mature recommendations. On the spur of the moment, to accept one or other of these amendments will create anomalies and complications. I believe the Commission has safeguarded the rights of the employees to the extent that the Commission thought it can do so.

As far as the option is concerned, what I referred to in the course of my speech during the consideration stage was with regard to paragraph 3, at page 177 of the report. That option is there for the employees and the option has been given by the Sastry Award, by the Appellate Tribunal and by the Government modification. The only change that we are making is, that decision will be there and from now onwards, for three months, the option can be exercised. That is the change that we have made.

Shri V. P. Nayar: May I interrupt him for a minute? The question put by Shri Sreekantan Nair was whether the option given is, between the pre-1950 rates of pay and the pay as prescribed in the present award.

Shri Khandubhai Desai: The whole question, as far as the Government are concerned, is clear. We are, in these laws, implementing the recommendations of the Gajendragadkar

[Shri Khandubhai Desai]

Commission, whatever be the recommendations. For me to give any information one way or the other would not be fair either to the Commission or to the House. If there is any difficulty, as I said, it will be referred to some tribunal. That is all I can say. I am sorry I cannot accept any of the amendments.

Pandit Thakur Das Bhargava: What about my amendments?

Shri Khandubhai Desai: About his amendments, I think the difficulty mentioned by him is still there. If he can point out the difficulties to the Government, we will refer them to the tribunal.

Mr. Deputy-Speaker: The question is:

Page 2—

after line 12 *add*:

> "Provided, however, that wherever the adjustment has resulted in total emoluments comprising of pay, dearness allowance, special allowance and House rent allowance, being reduced to that of the total emoluments under the above heads as obtaining on the 31st March, 1954, the difference shall be paid by way of an additional allowance (to be called Temporary Adjustment Allowance) until such difference is fully absorbed by nomal annual increments in the scale prescribed by the Commission."

The motion was negatived.

Mr. Deputy-Speaker: Amendment No. 3 is practically the same as amendment No. 2, with some verbal modifications. So, it is barred. I shall put amendment No. 4.

The question is:

Page 2—

after line 12, *add*:

> "Provided that, notwithstanding anything contained in clause I(b) or I(c) of the recommendations in Chapter XI of the Report of the Bank Award Commission, no employee shall have to receive a lesser remuneration than what he was getting prior to the 24th August, 1954, the surplus amounts in the remunerations being continued as personal allowances till such time as they are covered up by the normal increments under the respective scales of pay or are settled by a fresh award."

The motion was negatived.

Mr. Deputy-Speaker: Now, there are amendment Nos. 10 and 11. I think Pandit Thakur Das Bhargava does not press them.

Pandit Thakur Das Bhargava: They may be put to the vote. The reply given was not satisfactory.

Shri Kamath: Before they are put to the vote, may I point out, Sir, that there is no quorum in the House?

Mr. Deputy-Speaker: The bell is being rung. Now there is quorum. I shall put amendment Nos. 10 and 11 to the vote.

The questions is:

Page 2, line 6—

after "modifications" *insert*:

> "[as modified in sub-section (2) of this section]".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2—

after line 12, *add*:

> "(2) The following amendments shall be made in clause 7 of Chapter XI of the Report of the Bank Award Commission, namely:—
>
> (a) *after* '(iv) Pandyan Bank' *add* '(v) Narang Bank';
>
> (b) *for* 'The last two banks' *substitute* 'The last three banks'."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.—(*Duration of the award*)

Mr. Deputy-Speaker: Now, we come to clause 4. There are two amendments.

Shri Rane (Bhusaval): I do not move my amendment.

Mr. Deputy-Speaker: Is Shri Kamath moving his amendment?

Shri Kamath: Yes. May I speak on it? I shall take four and a half minutes, not more.

Mr. Deputy-Speaker: I think enough has been said about this subject.

Shri Kamath: Not by me. I did not speak on the Bill at all. I was keeping quiet.

I beg to move:

Page 2, line 17—

for "1959" *substitute* "1957".

In the course of the general discussion on the Bill, the House noticed that the Minister's immediate predecessor, Shri Varaha Venkata Giri, is in the very good company of the Opposition so far as this matter is concerned. If the Government were to go by past experience, I would suggest that the idea expressed by him and which is in conformity with the idea of this amendment also, be accepted by the Government, because, Shri Giri has been vindicated as regards the main award last year on the issue of which he resigned. If the Government rejects this one, history, I am afraid, will like an idiot, repeat itself. If the Minister does not accept it and if he still stands by what he said in the Statement of Objects and Reasons, I would only say that it represents what has been stated in the old adage, 'a triumph of hope over experience'. They have been proved wrong once, and yet they stick to their old ways. I am sure that they will prove to be wrong again if they froze this for five years. I hope a thaw will come, and I would like a thaw to come in March, 1957. In another way also, it is a very important year in our history, or as you are aware, it is going to be very important. There will be maybe, who knows?
a change in the benches opposite;

Shri C. D. Pande: This is astrological?

Shri Kamath: Politico astrological, or astro-political. Anyway, there are the general elections.

Mr. Deputy-Speaker: Hon. Member may also come this side. Many things may happen.

Shri Kamath: With due deference to the Chair, Sir,—I should not say this of the Chair—you may come this side. Anyway, we are a happy family in this House whether we sit on that side or this side or the centre.

One aspect of this question must be considered. The Bank Award Commission's report itself says on page 153, in para 293:

> "There is another aspect which introduces an infirmity in the Government approach and that arises from the fact that the impact of the First Five Year Plan on the banking business of this country does not appear to have been fully considered."

When we go on to the Second Five Year Plan, there will be a greater impact and I am sure that the banking industry will flourish and prosper during the next Five Year Plan period. That is all the more reason why this freeze should not continue till 1959. There must be consideration of a thaw in 1957 or even earlier, if possible. I thought 1956 would be too early, and that is why I suggested that the thaw should come in March 1957. We are all very well aware, as the Prime Minister tells us so often, that we are living in an atomic age. Things move so fast, even faster than the minds of men,—I suppose the minds of Ministers too, unless they

[Shri Kamath]

are, supermen,—perhaps some of them think they are, although there may be doubts about that. We must remember that we are living in a fast moving age. The Second Five Year Plan will be commencing next April and by 1959, it may be that we have progressed a little farther forwards a new order of society. The continuation of this award till that period, 1959, will be unjust and unfair. We have already decided that the managing agency system must be abolished. How far the Government will stand by this promise is yet to bee seen. Yesterday also this question was raised and the hon. Deputy Minister of Transport referred to it. It is said that it will die in 1960, but it will die hard. Great events are in the offing: economic, political, social. We are moving from the atomic age to the electronic or protonic or neutronic age. We do not know what further things are coming up.

Mr. Deputy-Speaker: We are in the banking age.

Shri Kamath: Banks also come under the same process. Banks increase and prosper by fission and fusion.

Another aspect is this, and that is the last point that I will refer to. Population is an important factor. As regards D class banks, that is the 4th area which has been referred to by my colleagues here, that is an unfair categorisation. A place which had a population of 30,000 according to the census of 1951, must be having much more today. If you calculate at the rate of 10 per cent per year......

Shri C. D. Pande: One per cent.

Shri Kamath: I am sorry,—at the rate of 1 per cent.—I am not quite aware of this increase in population.

Some Hon. Members: Bachelor.

Shri Kamath: I would like to learn from you in the matter.

Mr. Deputy-Speaker: The hon. Member has not yet taken the first step.

Shri Kamath: Even at the rate of one per cent, in the course of 5 years, there will be an increase of at least 5 per cent. Whatever it may be, I am making a helpful suggestion. On the basis of the electoral rolls which are being revised every year, we can get an idea of the shift in population in the particular area every year. The basis being the electoral rolls, there is a definite proportion between the number of electors and the total population, roughly speaking in any area. Therefore, those centres which had a population of a little less than 30,000 in 1951 should be now having a population of more than 30,000. They should be removed from this class, and the employees of banks working in these branches in these areas should get a fairer deal. That is all the more reason why I suggest that this amendment of mine suggesting freezing till 1957 and not 1959 should be accepted by the House, of course by the Treasury Benches; but Treasury Benches being part of the House, I say by the House. I do not like this freezing till 1959. I would suggest to the Minister that the thaw should come in 1957, which as I said is a revolutionary year, a crucial year, and there should be a radical change for the bank employees also. This is one industry which the thaw should affect, and on account of that, our bank employees who are contributing to the economy of the country, in Government's own words, must get a fair deal. This is what the Government Resolution of last year says:

> "Banking is an industry of general service to the economy and is significant beyond earning profits, or losses to individual units in this country."

Government themselves have expressed this view. I believe Government sincerely hold this view. If they really wish to give a fair deal to the employees of banks, they cannot but accept the amendment of mine which suggests that this should remain in force only till 1957 and not till 1959.

I move this amendment and I commend it to the acceptance of the House.

Shri Khandubhai Desai: I am sorry I cannot accept the amendment for the reasons which I have already stated. One and a half years have already passed. This will be in force for 3 1/2 years. If, in the meanwhile, there is an agreement made between the banks and their employees which will be more favourable to the workers, it is not debarred. This law lays down that if it is less favourable, of course, Government must consider whether the Industrial Disputes Act will come into operation.

Shri N. Sreekantan Nair: We can agitate for it.

Shri Kamath: Is it his mind or heart that does not accept? I did not follow.

Mr. Deputy-Speaker: The hon. Member has two ears. He has heard what the hon. Minister has said.

The question is:

Page 2, line 17—

for "1959" *substitute* "1957".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 6— (*Power to remove difficulties*).

The Deputy Minister of Labour (Shri Abid Ali): I beg to move:

Page 2—

(i) line 22, *for* "if any difficulty or doubt arises" *substitute* "if in the opinion of the Central Government any difficulty or doubt has arisen"; and

(ii) lines 24 and 25—

for "the Central Government" *substitute* "it".

The reason is that originally it was intended to frame the clause on this basis, but by mistake the clause was drafted as has appeared in the printed Bill. The second part of the amendment is consequential.

I also beg to move:

Page 2, line 26—

after "arisen to" *insert* "a single member of".

The intention is not to refer these doubts or difficulties to a bench of the labour appellate tribunal, but to a single member of the appellate tribunal. That will accelerate the decision, and I hope it will be accepted.

Mr. Deputy-Speaker: Shri Rane.

Shri Rane: I am not moving.

Pandit Thakur Das Bhargava: I beg to move:

Page 2, line 24—

after "section 3" *insert* "or where there is an apparent error in the recommendations or where on account of failure or excessive exercise of jurisdiction, no recommendation has been made or recommendation has been made which was in excess of the powers of the Bank Award Commission."

I do not want to take up the time of the House in speaking on it. As you yourself were pleased to say this is the usual formula in all review cases. This is a matter of review or doubt. The hon. Minister has been pleased to say that the case I brought to his notice will be referred, and I thank him for that. At the same time, there may be other cases, who knows? After all, every person is fallible. Therefore, I am moving this amendment for the benefit of such cases. We cannot say whether such cases will arise or not.

Mr. Deputy-Speaker: The question is:

Page 2—

(i) line 22, *for* "if any difficulty or doubt arises" *substitute* "if in the opinion of the Central Government any difficulty or doubt has arisen"; and

(ii) lines 24 and 25—

for "the Central Government" *substitute* "it".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 2, line 26—

after "arisen to" *insert* "a single member of".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 2, line 24—

after "section 3" *insert*:

> "or where there is an apparent error in the recommendations or where on account of failure or excessive exercise of jurisdiction, no recommendation has been made or recommendation has been made which was in excess of the powers of the Bank Award Commission."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

> "That clause 6, as amended, stand part of the Bill".

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill

Shri Khandubhai Desai: I beg to move:

> "That the Bill, as amended, be passed."

Mr. Deputy-Speaker: Motion moved:

> "That the Bill, as amended, be passed."

Shri S. L. Saksena: The Bill is about to be passed, but I am really sorry that my appeal to the hon. Minister has fallen on deaf ears. If we just calculate the amount, it will cost about Rs. 20 lakhs in a year. For 12,000 employees for one year at the rate of Rs. 15 the difference would not come to more than Rs. 20 lakhs. If there had been some amount of goodwill and grace, they would have done it. I am sorry that this has not been accepted.

This is an occasion when we cannot refrain from paying our tribute to Shri V. V. Giri, the Minister who resigned on a point of principle. He has been vindicated by this award. It is not only a question of his being vindicated, but he has in fact set an example which will shine. I therefore honour him and offer my thanks to the bank award which has upheld him.

I really want also to point out that I had expected at that time that no trade union leader of any eminence would agree to accept that job. I am really sorry, but that is of course a personal question, but I feel that high standards must be set up and maintained in this country.

As far as this Bill is concerned, I think it has given us one lesson. About seven years have passed since this dispute arose and only now we are deciding it. I hope that the machinery for solving labour disputes will be reviewed. I want that such delays should not occur again.

If the bank employees do not control a key industry in the country, I do not think they would have won the battle. That shows that Government wants to encourage only organisation and agitation. People who want to get their due by mere requests and appeals do not get it. I hope in future Government will see that justice is done even where people do not control such a key industry, or even where they are not so well organised. That, I think, will be the lesson taken from this.

Secondly, as my friends have said, judicial decisions should not be easily set aside by Government. This was done not once, but twice. The Sen Award was there, it was most satisfactory. Then again the appellate tribunal award was set aside.

Shri Khandubhai Desai: The Sen Award was not set aside by the Government.

Shri S. L. Saksena: It is true, but if it wanted, Government could have brought an ordinance and enforced it. The Supreme Court, of course, set it aside, but if Government had seen the justice of it, they could have got it enforced. I therefore say that Government should try to see that labour does not have to wait for justice. Justice delayed is justice denied. If the Sen Award had been implemented, I think all this dispute would not have arisen. Government could have rectified the technical errors pointed out by the Supreme Court, and enforced it through an ordinance. Anyway, this is a lesson which, I think, must not be lost sight of, and I hope that in future Government will try to see that justice is not delayed. People should not feel that only those can get justice who can paralyse the Government or control an industry which can paralyse. Everybody should get justice.

I therefore commend this Bill, and I hope it will be accepted by the House.

Mr. Deputy-Speaker: The question is:

> "That the Bill, as amended, be passed".

The motion was adopted.

Mr. Deputy-Speaker: On Monday the House will sit until 6 P.M.

Some Hon. Members: Why?

Mr. Deputy-Speaker: To make up for the time of the House. There is much other work. I will give more time for hon. Members who want to speak.

Shri Kamath: More time for the opposition.

The Lok Sabha then adjourned till Eleven of the Clock on Monday the 26th September, 1955.